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ABSTRACT

This document is the final report of the President's Commission on Olympic Sports, established to determine factors impeding, or tending to impede, the United States from fielding its best teams in international competition. It determines that many of the factors inhibiting U.S. capabilities are self-generated and may be traced to lack of organization and lack of adequate funding. The document examines needs and presents recommendations for meeting those needs in the following areas: (1) development of a central sports organization; (2) establishment of national governing body criteria for each sport; (3) resolving franchise disputes; (4) protection of athletes' rights to participate in unrestricted competition; (5) development of improved government and private mechanisms for sports funding; (6) development of a liberalized concept of amateurism; (7) improved identification and training procedures for world class athletes; (8) establishment of a standing committee of the central sports organization to serve as a national forum and clearinghouse for research, clinical application, information and education on sports medicine; (9) recognizing and assisting the disabled and handicapped in sports; (10) educational efforts and establishment of programs to improve the role of women in sports; and (11) development of the military's role in amateur athletics. Implementation of the Commission's recommendations through a joint executive-legislative committee, formed to establish a central sports organization, is suggested. (MJB)

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The Final Report of the President's Commission on Olympic Sports 1975-1977

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Volume I

Executive Summary
and Major Conclusions
and Recommendations

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The Final Report of the President's Commission on Olympic Sports

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Volume I

Executive Summary

and

Major Conclusions and Recommendations

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The Commission dedicates this Report to its primary beneficiaries: the parents, athletes and interested citizens who are the sporting public.

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Our special thanks for the efforts of numerous U. S. Government officials — representing the Legislative, Judicial and Executive Branches, Departments and Agencies — and to members of the corporate community who contributed by providing both contractual and donative assistance.

PREFACE

The President's Commission on Olympic Sports was established to determine what factors impede or tend to impede the United States from fielding its best teams in international competition. The reader will find that many of the factors inhibiting our capability internationally are *self-generated* and can be traced to a lack of organization and a lack of adequate funding.

The U. S. does not nearly approach achieving its full potential in sports. We have lost international contests that we were capable of winning; we have not even fielded teams in some sports in which we have great talent and resources. Some cry "Foul," or that it is "our" amateurs against "their" pros. Others decry their perception of political influence, and still others cling to the purity of the Olympic idea. The fact is that we are competing less well and other nations competing more successfully because other nations have established excellence in international athletics as a national priority.

The federal government has never attempted to direct amateur athletics in this country, nor should it. The unique aspects of the American athletic system tend to be the fount of her strength as well as the source of her weaknesses. Few other countries rely primarily on their educational system for the development of amateur athletes. The educational system in the United States is the envy of a large part of the world, and it has served us well as a development and proving ground for world class athletes in some sports. But even in our educational institutions, funds for sports are growing scarce. Many sports have not been widely introduced to our educational institutions. Unlike other countries, we do not have an adequate number of sports clubs and those that do exist are neither adequately funded nor well-coordinated. We are blessed with an abundance of facilities in many sports, yet faced with severe deficiencies in others. Even existing facilities are too often inaccessible to the general sporting public. Finally, the pressure on the individual athlete to begin earning a living and raising a family precipitates many early retirements from amateur sports.

In spite of the handicaps we choose to impose upon ourselves, our national characteristics of individualism, perseverance and esprit de corps have resulted in outstanding athletic performances by U. S. athletes. It is also apparent, however, that we will not be able to compete effectively for long and have broadbased participation if the organizational conflicts and fragmentation which plague American amateur athletics today are not resolved.

Sport is recognized as a unifying force both across the country and around the world. Many statesmen, businessmen, and leaders in other walks of life have stated that they gained an increased and valuable depth of character through their exposure to sport. From the seven-year-old tyke running his or her first 60-yard dash in the summer all-comers track meet, to the high school basketball player receiving his scholarship to college, simply taking part – playing – is the very wellspring of joy. Spectators, too, on whatever continent, of whatever nationality, find inspiration and enjoyment in sport. Athletic competition crosses language, political and cultural barriers in a way very few other human endeavors can.

The Commission did not attempt to review all sports or address all issues. We chose the Olympic sports because it is largely in these sports that the major organizational problems manifest themselves and because these are the sports which command premier international attention. A wide range of issues offered themselves for in-depth analysis. Some, such as the role of recreational sport in themselves for in-depth analysis. Some, such as the role of recreational sport in American society and the need for organized sport for children were rejected because the resources were not available to address the issues adequately or being the need for an improved organizational framework, amateurism, athletes' rights, women in sports, and the role of the handicapped in amateur athletics, to name a few, have been included and addressed in depth.

The major factors and issues affecting our ability to compete well internationally are addressed in these volumes. The Commission believes that a better understanding of the condition of amateur sport in the United States will be gained from this report. Its recommendations build upon the positive aspects of American amateur athletics and, at the same time, provide well-researched suggestions for correcting the weaknesses and deficiencies of amateur sport. It is the Commission's hope that the recommendations contained herein will be worthy of speedy implementation by the Congress and by the sports organizations of the United States.

INTRODUCTION

In this volume of the Final Report the Commission's major conclusions and recommendations are enumerated. The volume begins with an Overview, summarizing the problems facing sports today and the Commission's intentions in recommending a central organization for amateur sports. Subsequent chapters present a model for this new central organization, as well as discussion and recommendations on certain inter-sport issues that the Commission feels are of basic importance.

Volume II contains a series of factual reports on the Olympic sports and multi-sport organizations, as well as special legal and other studies and financial data on which the major findings and conclusions outlined in Volume I are based. These reports highlight the major issues or features of each sport or group—its organization, programs and financing. The chapters on special studies have not been designed to be primary sources of information. Instead, they are a summary of the information used to make the Commission's final recommendations. Basic conclusions are drawn in each chapter of Volume II when they are strongly suggested from the material presented.

A direct correlation will be found between Volumes I and II on such topics as the military, the handicapped and financing amateur sports; separate chapters are devoted to these topics in each volume. Major premises in other Volume I chapters are based on data found throughout the reports in Volume II.

I
EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Said Baron Pierre de Coubertin, founder of the modern Olympic Games, "The most important thing [in the Olympic Games] is not to win but to take part, just as the most important thing in life is not the triumph but the struggle. The essential thing is not to have conquered but to have fought well."

Having observed conditions in this country and around the world which prevent athletes from achieving this Olympic ideal, the President's Commission on Olympic Sports recognizes that it can have little or no direct influence over some of the factors prohibiting such achievement. For example, it notes with deep regret the declining ability of the nations of the world to separate sport from politics. The Commission deplores the actions of governments which deny an athlete the right to take part in international competition and calls upon world sports leaders to take whatever steps are necessary to eliminate this misuse of the Games, Games originally intended to allow individual athletes to experience the thrill and satisfaction that comes from the pursuit of excellence.

While a nation's success in international sports competition is not indicative of the merits of its ideology—despite some countries' attempts to convince us otherwise—it surely tells us much about the vigor of that nation's sporting populace and the cohesiveness of its organization. Success reflects on the ability of a sports system to permit individual athletes to reach the limits of their potential.

While the U.S. may lag behind other nations in certain areas of sports development, with the result that our success in the international arena has been declining, it is not too late to change. The internal problems peculiar to the American sports system are the ones over which this Commission can have a positive, direct influence, regardless of the actions the international community may take to preserve or destroy the notion of individual athletic achievement.

In similar contests, the United States has been preeminent, a splendid example being massive victory in the race to the moon. That challenge, too, called for imaginative marshalling of resources, a fine combination of skill and courage.

In international sport, however, American performances are deteriorating. Against athletes from nations for whom Olympic medals are as precious as moon rocks, U.S. competitors seem to have steadily diminishing chances of success. In fact, America's active sporting populace is that of a rather small country, isolated within a larger, more passive society. "Fifty million adult Americans never exercise, and degenerative diseases associated with obesity and physical inactivity have reached the epidemic stage," reports the President's Council on Physical Fitness and Sports.

America's weakness in sport is not lack of talent, for it has awesome talent which has kept the country's Olympic performances respectable. And it is certainly not lack of resources, although it is clear to this Commission that potential sources of financing have not been tapped and that facilities and knowledge have not been used to their greatest advantage. No, it is precisely America's great strength in the exploration of space which is our weakness in sport: organization. U.S. sports organizations are fragmented, not bound by common purpose or any effective coordinating system. No clear policy or direction in amateur sports, physical education or physical fitness can be or has been maintained. Incessant organizational squabbles waste time and talent and threaten the fundamental rights of athletes to take part in the most challenging competition for which they are qualified. Feast and famine exist side by side. Men's college athletic opportunities are extensive and rewarding while those for women or non-school athletes are sparse and the experiences often embittering. Valuable research in sports medicine is often ignored because there is no effective means of putting findings to practical use. Inconsistent amateur codes unfairly hamstring many athletes' development.

Yet the division and rivalries among American sports organizations do not need to exist. They represent no inherent conflicts in the interests of the athletes or the people of the United States.

CENTRAL SPORTS ORGANIZATION (CSO)

To enable these various groups to combine for the common purpose of advancing American sporting achievement and encouraging a greater share of our

people to lead active lives, the President's Commission recommends the institution of a new central sports organization (CSO), founded on the organizational structure of the United States Olympic Committee (USOC) and calculated to achieve a truly unified sports system.

There are five prime needs:

—A means to settle organizational disputes over the right to be the recognized national governing body (NGB) in a sport;

—A means to induce all organizations with significant national programs in a sport to belong to the NGB so that their activities can be coordinated;

—A means to guarantee an athlete's right to compete;

—A means to finance amateur sports more effectively; and

—A central policy-making forum to identify U. S. sports problems and effect solutions.

In addition, these needs must be met by building on the existing system and taking into account the views of the American public, the President, the Congress and the existing international and domestic sports organizations.

Thus, the Commission recommends an amendment to Public Law 805, the USOC Charter, to create an essentially new body, composed only of national governing bodies (NGBs), offering them sizable financial opportunities but requiring them to become both better organized and more open to the interests in each sport. The charter of this new organization would be subject to review by Congress every six years.

The completely new USOC is proposed as the highest congress of a representative, vertically integrated American Sports system, with appropriate checks and balances built in. Each NGB will send a maximum of five representatives, at least one of whom must be an athlete representative, to an annual Congress. The initial Congress will elect officers and adopt a constitution and bylaws. The Congress will elect a small Board of Directors (maximum of fifteen members) at least 20% of whom must be athlete representatives. The Board will be the major policy-making body of the CSO. Non-sports people should be encouraged to serve both on the Board and throughout the organization. The Board will establish standing committees as appropriate, conduct necessary administrative reviews, and allocate funds. Terms of board members will be staggered and limited. In ensuing years, the Sports Congress will conduct its necessary business and amend its constitution and by-laws to meet current requirements.

The Commission's recommendations, if implemented, will cause the dispute between the Amateur Athletic Union (AAU) and the National Collegiate Athletic Association (NCAA) and other disputes this Commission has uncovered to be solved. The recommendations will accomplish organizational overhaul of the NGBs while preserving the freedom of sportsmen and sportswomen to map their own destiny. Power blocs which have crippled the USOC in the past will be eliminated. Athletes' rights will be more adequately guaranteed, and funding of amateur sports will reach across the whole system rather than remain confined to a few niches of affluence.

NATIONAL GOVERNING BODY CRITERIA

By recommending fifteen guidelines for NGBs, to be implemented by legislative action, the Commission has rejected a regulatory or controlling posture for the federal government.

What are the most important criteria? Each NGB must be separately incorporated. Autonomy for each sport is the intent of the Commission, based on the premise that wrestlers can best decide what is good for wrestling, track and field participants for track and field. Other criteria decree that no organization may have greater than 20% representation in more than one NGB and that all NGBs must be open to fair and equitable representation of constituent groups. Also, athletes selected by athletes must have 20% of the vote in each NGB.

The Commission's intent is the institution of vertically integrated NGBs. This means that each NGB should be composed of elected individuals and/or of representatives elected or appointed from all the national organizations involved in a sport. Some NGBs will be more efficient through strictly organizational representation; others will benefit from having only individual representation; some will benefit from both.

There also should be established a hierarchical structure, whether regional, state-wide or functional for each NGB. Ultimately, these regional, functional and/or state-wide NGB elements should elect their representation to the national level.

RESOLVING FRANCHISE DISPUTES

Crucial to the formation of the CSO is an effective means of settling organizational disputes over the right to govern a sport in this country. International sports federations reserve the right to name their representatives in a given country, but traditionally refuse to enter "domestic squabbles," accepting as the franchise holder the body certified by the National Olympic Committee. The USOC, however, has been unwilling to take assertive action because the contending groups often have had strong voices within the USOC itself. Thus, franchise challenges have had no fair hearing before any organization and have boiled on through years of rising antagonism.

The result: repeated threats and punishments to athletes for representing their country in international competition, and the development of suspicious, uncooperative attitudes by administrators of many sports organizations.

The Commission, in studying proposed mechanisms, has observed the USOC's willingness to use unbiased arbitration to solve these disputes. Accordingly, the Commission recommends Public Law 805 be amended to require binding arbitration by the American Arbitration Association (AAA) in disputes involving franchise challenges or allegations that an NGB is not meeting the abovementioned criteria. The law should clearly set the criteria to be met by an organization seeking to win NGB certification. Challenging organizations will be measured against incumbent NGBs on how well criteria are met. In some cases, the challenger may request affiliation with the incumbent and, having been denied what the challenger views as equitable representation, may submit the claim to arbitration. The proposed process is significantly stronger and fairer than the mechanism in the current USOC Constitution.

All the criteria are identical to those which must be met for membership in the central sports organization. Given the widespread respect for the AAA and the interest of most of the U.S. amateur sports community in resolving these disputes fairly, the Commission believes its recommendations can be swiftly implemented.

ATHLETES' RIGHTS

The essential psychological ingredient in any world class athlete is the drive to excel in the toughest possible competition. To frustrate that urge is to make meaningless a competitor's sacrifice and dedication. That institutions charged with advancing athletes' careers should instead stymie them seems unconscionable. Yet recent history is filled with such events. American high school and college students have lost their eligibility to compete in school sports because they have represented the nation in international competition, even when taking part would not have interfered with their academic, personal or athletic interests. Athletes have been prevented by the NGB from competing in their sport simply because it was sponsored by a rival organization. All organizations, it seems, are capable of unreasonably violating an athlete's right to participate in unrestricted competition. It is also clear that, regardless of promises to reform, abuses continue.

Current law is confused. No statute specifically guarantees an athlete the right to compete; NGBs (as private associations) and school associations are subject to legal scrutiny, but the standards applied are not always rigorous.

In the case of institutions of higher learning, notably NCAA universities, the Commission finds that the colleges and universities have chosen to give the power to determine whether a student-athlete competes in a non-school competition to the NCAA central headquarters and its committees. The Commission finds this delegation of authority to be inconsistent with the notion, agreed to by most Americans, that local people can best deal with local problems. The Commission finds that college presidents, athletic directors, and an athlete's teachers and coaches are in a far better position to determine whether an athlete's participation in an non-school competition will materially interfere with his or her academic, personal and athletic interest at the school. The Commission recommends that college presidents and their agents at the university reassume that right to make these decisions. The Commission further recommends that NCAA central headquarters act in an advisory capacity to inform inquiring colleges and universities of any potential danger to the amateur athlete who chooses to compete in a non-school event.

In the case of high schools the situation is similar. The self-appointed or self-elected state association for high school athletics decides for parents or guardians whether an athlete can compete in a non-school competition or even, in some states, whether he or she may attend a sport camp in the summer when school is not in session. The Commission urges parents or guardians of student-athletes to reassert their right to determine whether their child may compete in the Pan American Games or other international competition. In exercising this right, the Commission strongly recommends that the teacher(s), coach and principal participate in the parent's decision and that the state federation act in an advisory capacity only.

To encourage colleges, universities and parents to assert the aforementioned right, and to protect an athlete's right to take part in unrestricted competition, the Commission recommends passage of two pieces of legislation: one to set down explicitly the only legitimate bases upon which any organization may limit an athlete's entry into competition, and another to amend Public Law 805 to require AAA resolution of any athletes' rights case involving NGBs which are members of the CSO.

FINANCE

Tales of the financial needs of amateur sports are rife. If this country wishes to continue to broaden its participation base and to compete effectively internationally, amateur sports must be better funded across the board, not just in the school/college community, although many schools and colleges today are cutting back in the underdeveloped, primarily Olympic, sports.

The Commission has found that unless U.S.

amateur sports organizations become better organized and managed, there is little hope for additional financial support from the private sector. Many corporate executives perceive amateur sports to be fraught with jurisdictional disputes and managerial incompetence. The potential for private sector funding of amateur sport is bright, however, if the perceived organizational and managerial weaknesses are rectified. Corporations and labor working together will consider "broken-time" payments, return on investment marketing initiatives, and altruistic contributions to amateur sport and athletes.

Government initiatives may also depend on how well amateur sports puts its organizational and managerial house in order. Among the Commission's recommendations are the following government initiatives: 1) commemorative Olympic coins; 2) the use of the federal tax form to make a contribution (not a check-off) to amateur athletics; 3) an excise tax on admissions to professional sporting events; 4) a modified lottery system, using the states which presently have lotteries; 5) "broken-time" payments for federal employees to put them in the same status as Armed Services athletes; 6) the reordering of priorities in existing federal programs to build facilities for the most needy amateur sports, or, failing that, direct appropriations for facilities; 7) high-denominational commemorative stamps, with the proceeds going to amateur sports; and 8) amendments to the tax code to allow special credits or deductions for an athlete or an athlete's parents who sustain the burden of preparation for elite competition.

Congress must implement some of these recommendations if the U.S. is to continue to attain the twin goals of broad-based participation and winning medals. Implementation of the Commission's recommendations in public sector financing will have a stimulating effect on private sector financing. Some of the alternatives recommended will yield more funds than others, and should be combined in the most effective and feasible way to meet the financial requirements of amateur sports.

The Commission has found that the estimated one-time requirement for funding is $215 million, with an annual requirement of $83 million divided among administration, competition expenses, facilities and development needs.

The Commission recommends that the CSO contain several standing committees to provide direction on the specific issues involved in funding amateur sports. It expects the individuals involved to be prominent in various professions; they should be sports enthusiasts but not directly from the sports organizations, except perhaps in the area of allocations for sports development. Presidential assistance in initiating a unified public and private sector effort to reach these financial goals is necessary for success.

AMATEURISM

There is a widespread perception among Americans that it is unfair for U.S. amateur athletes to compete against state-subsidized professionals from other countries. The hard reality is that the International Olympic Committee — preferring to keep the Olympic movement unified, rather than uniform — will not suspend state-supported athletes. Thus, the Commission studied assorted codes, both international and domestic, with two questions in mind: (1) are they fair? (2) are they unnecessarily strict? Examination showed great variation from sport to sport in what an athlete may do or accept and still retain his or her eligibility. *Incredibly, some domestic NGBs and other organizations enforce stricter rules than those required by the international federations.* The Commission believes that an amateur athlete should be able to accept all sports-related revenues, except those offered for competition itself. There is little the United States can do unilaterally to bring uniformity and reason to the varying requirements of the international federations, but the CSO should be charged with working to bring domestic bodies into conformity with the regulations of international federations and to work toward further liberalization of international codes as appropriate.

WORLD CLASS ATHLETES

The Commission, through detailed study of each of the 30 Olympic sports, has noted some recurring problems, basic reasons why our best athletes are less often the best in the world. In contrast to other successful systems, the U.S. has little in the way of early identification and encouragement of talent in a range of sports. Coaching is often haphazard and unscientific. Facilities for many sports are lacking — for example, there is only one Olympic-size speed skating rink in the country — and access to those we do have is sometimes difficult, especially for women and non-school athletes.

We have little tradition for selecting national teams or national coaches, except those named a short time before the Olympics or other international competition. It often costs athletes a great deal to train and compete; and clubs, the weakest link in our development system, are desperately in need of funds. Participation in sport may hurt an athlete's career when it is not seen as valuable by employers. Often it is not. A dedicated athlete's family life is strained in a society which expects to see financial reward follow hard work. Many sports attract little media coverage and, consequently, the public develops little hope for or interest in U.S. performance in them.

To attack these problems, the Commission would urge the CSO to consider creating national training

centers and sports institutes. High priority must be given to coordinating development programs through all levels of each sport. The club system must be strengthened, to mesh with school sports programs. National teams in appropriate sports must be started. More sports should be introduced in the schools. Finally, high, clear standards should be developed for coach, judge and official certification.

SPORTS MEDICINE

Careful, capable application of medical knowledge in sport is absolutely critical to any successful program, whether national or local. There are 17 million athletic injuries every year in the United States, indicative of the enormous potential for harm through poor medical care.

Good research *is* being done in the United States. The difficulty lies in transmitting the results to coaches and athletes. As is the case with sport organizations, there is no central coordinating body for the application of sports medicine research, simply a number of fine medical associations pursuing their own specialties.

The Commission proposes that a standing committee of the CSO be established to serve as a national forum and clearing house for research, clinical application, information and education. Certainly a nation that has accomplished so much in medical research can afford to devote a portion of its energies to assuring its athletes the benefits of such research.

THE HANDICAPPED IN SPORTS

Good programs do exist in many sports and at all levels for the physically and/or mentally handicapped. However, these programs are outside the mainstream of American athletics, and most receive limited support and minimal visibility.

The Commission has found that barriers to development of sport opportunities for this significant segment of the American populace (approximately 35 million handicapped individuals) bear a striking resemblance to those existing in most sport programs for so-called "able-bodied" athletes. Differences are only in degree, with attitudes and perceptions of the American public toward the words "handicapped" or "disabled" presenting the major contrast.

Consistent with the belief that all individuals should have the opportunity to participate according to their interests and abilities, the Commission recommends corrective actions aimed at recognizing, supporting and assisting the disabled and handicapped in sports.

The CSO should create a permanent standing committee on the Handicapped in Sports to act as an advocate in securing funds, ensuring that adequate facilities are available, encouraging exposure and providing competitive opportunities. This standing committee could also act as a clearinghouse for the dissemination of information regarding programs and competitive opportunities for the handicapped.

The CSO should also encourage NGBs to incorporate into their development programs opportunities for handicapped groups to sponsor programs in the sport and to afford handicapped athletes, coaches and administrators a meaningful role in the governance of the sport.

The Sports Medicine Committee should encourage research in areas connected with the handicapped and sports and, in conjunction with the standing committee on the Handicapped in Sports, disseminate the results of such research.

WOMEN IN SPORTS

In recent years the role of women in society has undergone radical change. In the midst of that upheaval has been the issue of the role of women in all aspects of sports — competition, coaching and administration. Despite improvements being made in all areas of sport, opportunities for women still fall short of what is wanted and needed.

Women continue to suffer from a lack of well-structured, varied programs. Also badly lacking are funds for those programs, access to facilities and proper representation in the decision- and policy-making process in organizations conducting sport programs. Contributing to the historic neglect of women's needs, and pervading all aspects of the women's sports picture, is the attitude of the general public toward female athletes.

Progress is being made, however. The increasing numbers of women interested in taking part in sport — and society's growing acceptance of this interest — have led to more opportunities for women athletes, particularly with the passage of Title IX of the Education Amendments Act of 1972. The Commission wholeheartedly supports the non-discrimination intent of Title IX. It recommends that the CSO give high priority to the many issues concerning women in sports.

Specifically, national sports policy in this area might include establishment of a program to educate the general public to effect a change in attitude toward women in athletics. The CSO should also support the establishment of programs to provide

women with careers and opportunities to participate in sports. These might include, for example, grants, loans, scholarships, clinics and seminars.

POTENTIAL MILITARY ROLE IN AMATEUR ATHLETICS

In many countries, the military plays a prime role in developing elite athletes. A number of elite athletes in past years have come from the U.S. military. However, U.S. military contribution to sport has declined precipitously in the last 10 to 15 years for several reasons. One is the constant scrutiny of the Defense budget for activities unrelated to the military mission. Another is the advent of the voluntary military.

The U.S. Armed Forces do not view development of world class athletes as part of their basic mission. While the Commission does not wish to change this, it does advocate an examination of the extent to which more military support for sport would be consistent with the U.S. military mission and existing statutes. Specifically, it would seem beneficial to both athletes and the services to use athletes in service recruiting efforts, to promote the concept of a voluntary military. Athletes, coaches and trainers —using their talents in clinics, lectures and tours— would certainly be effective in improving the services' public relations and morale, and would bring other tangible and intangible benefits to the Armed Services.

The Commission also recommends creation of a single office in the Department of Defense to be charged with coordinating all sports activities, and with setting policies and priorities for the entire Armed Forces sports program. This can be done quickly by Executive Order.

IMPLEMENTATION

While recommendations proposed by a commission are implemented by others, they often act as a catalyst for action. The commission's ideas, concepts, and conclusions set the structure of debate for those who must consider and act on their findings. Also, through an advisory commission, the harsh light of public attention and pressure can focus on an issue or problem, often leading to needed and meaningful change prior to submission of the final report.

This Commission believes that a permanent agent in the White House, such as the Domestic Council or its successor, should be designated to continue as point of contact between amateur athletics and government during the implementation process. In a similar manner, the President's Council on Physical Fitness and Sports might also be employed as an "in house" expert in areas of amateur athletics and to serve as a point of liaison between the central sports organization and elements of the federal government.

The report calls for specific actions by several of the major departments of the government which do not require new legislation. To more carefully consider the impact of these recommendations, the Commission suggests that each department or agency concerned be requested to determine the steps that should be taken to implement the recommendations of the Commission.

The Commission is confident that the individuals and groups responsible for the administration of amateur sport programs will be deeply involved in the government's implementation of the Commission's recommendations. However, the PCOS believes it is more important that a panel be formed of concerned but unbiased citizens to promote public involvement in actions requiring governmental approval, and also in those involving such elements of the private sector as the business community. Finally, the role of the Congress will be crucial to implementation of the intent of the Commission's report. Areas as diverse as amendment to Public Law 805, creation of a Bill of Rights for Athletes, and possible changes to public laws governing the programs of various federal agencies will all require legislative action. In addition, appropriate Congressional committees could, in the course of their normal oversight function, assist in implementing those recommendations not requiring legislation.

In creating the central sports organization described earlier, it is the Commission's recommendation that the Congress consider creation of a temporary joint executive-legislative committee to ease implementation. The committee should be small, composed of individuals from private life. Each member should have knowledge of the Commission's work, and they should not be full or part-time employees of any amateur sports organization. A currently competing world class athlete should be a member of the committee, and appropriate funds should be authorized for the conduct of committee business.

The main work of the committee should be to act as a catalyst in creation of the CSO. No later than one year after it is formed, the committee should be required to convene the first CSO convention, during which delegates would be asked to adopt a constitution and bylaws for the new organization.

Amateur sports must become better organized, better managed and better funded if the United States wishes to broaden participation and perform better in international competition. Implementation of the Commission's recommendations will accomplish these goals.

II
MAJOR CONCLUSIONS AND RECOMMENDATIONS

A. OVERVIEW

OVERVIEW

The state of amateur sports in the United States today is comparable to the condition of the nation itself in the years following the Revolutionary War. The country, as described by historian Carl Van Doren, was "a loose alliance of separate and quarreling states . . . bristling with sovereignty or absorbed in their own concerns." The colonies had united sufficiently to win their independence and, having escaped one monarch, had no wish to bind themselves to a powerful central government. But the states soon began to grate upon each other, attempting to sign conflicting trade agreements and foreign treaties. By 1785 George Washington, saddened by the states' conflicts, wrote: "We are either a united people under one head, and for federal purposes; or we are thirteen independent sovereignties, eternally counteracting each other."

The solution, of course, was a structure of government which lay between the tyranny of the King and the chaos of independent states. The Constitutional Convention of 1787 boldly created a federal government with authority and power to regulate federal affairs, while leaving local affairs to the states. That it has worked so splendidly proves two things: America was truly blessed with its founding fathers, and the rivalries that existed between regions and states did not need to exist, because they did not represent essential conflicts in the interests of the people of the United States.

The myriad of sports organizations in the U.S. today — the clubs, the school programs, the church and community and military leagues — have never felt the need to combine into a truly national sports union. Rather, each organization has pursued its own ends. Each attained them, at least partially, and the result of their disunity was visible only infrequently, whenever the U.S. did poorly in international competition.

For many years, however, the U.S. did exceedingly well in international competition. Its success came because of its size, its wealth of talented, vigorous people and its effective programs in many sports. Then, too, throughout the 20th Century, most of our international opponents were weakened by war, poverty and ineffective organization. Since 1945, however, these nations have rebuilt and reorganized. New nations have entered competition. The first report of this Commission took note of the steadily declining American performances against this ever-stronger opposition.

International competition is reached only by a gifted few, while sports in general can enrich the lives of all who play. Yet the President's Council on Physical Fitness and Sports reports that, "Despite recent gains in some areas, we know that fifty million adult Americans never exercise; that youth fitness test scores have not improved since 1965; that the number and quality of school physical education programs are declining; that the rejection rate for volunteers for military service is far too high; and that degenerative diseases associated with obesity and physical inactivity have reached the epidemic stage."

These showings gave rise to this Commission's examinations. They make it clear that the time has come for a constitutional convention of American sport.

America's strengths are clearly reflected in her sport. Traditions of individual initiative and self-reliance have sustained superb performers in many sports which have less than massive followings. Archery, boxing, equestrian, figure skating, speed skating and shooting have been Olympic showcases for American excellence. Other sports, such as basketball, swimming and track and field, have been superbly integrated into the educational community. High Schools and colleges have found it a natural role to produce splendid athletes in these sports. The best of them have been the best in the world.

Conversely, the weaknesses of American sport are not indications of concomitant weaknesses in the nation. Surely it is not a weakness that we have a unique set of national games (football and baseball) which have few opportunities for international expression, but which draw off talent and revenue. Rather, these sports embody something of the American character, and by their success create an environment of encouragement in which all sports thrive.

No, the major weaknesses of U.S. sport are simply — though massively — those of poor organization and funding. U.S. sports groups are so fragmented that no clear policy or direction in amateur sports, physical education and fitness can be maintained. Crucial questions have never been answered:

Should the U.S. sports system concentrate on producing international champions or on improving the fitness of the larger population? (The Commission believes the two ends are compatible, but most American sports organizations are intent on one or the other.) Should the sports in which we experience less success be developed to the point that the U.S., like the Soviet Union, competes for medals in every event in the Olympics, or would the effort and investment be better spent on a few selected sports? Such questions have been answered in a variety of ways in other countries. They cannot be addressed adequately in the U.S.

Similarly, most questions crucial to the successful financing of amateur sports have not been answered by the fragmented American sports community. Should individual sports or larger organizations raise money? What sources of funds and what strategies for tapping them offer the greatest potential? How should priorities for funding facilities, competition, development and administration be set?

There are gaps among U.S. programs. Commensurate with the relative splendor of high school and college athletic opportunities, there is a near-absence of programs for non-school athletes. Poor showings in those sports where peak performances take many years to attain — fencing, weightlifting and modern pentathlon serve as examples — are traceable to this weakness.

Endemic feuds between organizations bristling with sporting sovereignty (in many cases caused by the divisions between well-financed school programs and separate national governing bodies) are a natural result of the absence of any sort of central organization in U.S. sports, and constantly threaten an individual athlete's rights to free competition, unrestricted travel and access to facilities. Instead, athletes often find themselves unwilling weapons in the wars between rival organizations, prohibited from certain competition not because it may help or hurt their own development, but because of which group happens to be sponsoring or sanctioning it. Development proceeds slowly in such an atmosphere, if at all; few groups can properly plan, finance and conduct development programs if, for example, they are rebuffed in attempting to gain equitable representation in the national governing body in their sport.

Few of the problems to be solved in any national sports program can be approached in a coordinated manner under the present U.S. organization. The enormous needs of burgeoning women's programs are now being addressed by at least five separate organizations. Several are clearly at odds with one another. An effective approach to sports medicine seems impossible with no recognized organization to coordinate research and disseminate findings. Widely varying amateur codes need to be unified, and a voice found to advocate the same changes at the international federation level. The crucial issue of financing amateur sport cannot be addressed — certainly not if greater funds are expected to come from the American public—until there is a clear and effective means for generating and apportioning those funds. Without uniform sports government the needs of athletes working toward world class excellence must be met piecemeal, if at all, as they move from jurisdiction to jurisdiction.

The President's Commission on Olympic Sports finds that the rivalries and contentions among American sports organizations do not need to exist; they represent no inherent conflicts in the interests of the athletes or the people of the United States. The men and women who administer the various sports organizations are almost invariably sincere and self-sacrificing and have only the best interests of their sport at heart. Both they and the athletes are victims of a gawky, uncoordinated collection of programs unworthy of being called a system.

The founding fathers, in that Federal Constitutional Convention, did not follow any single nation's or statesman's example in assembling their new government of limited powers. Instead they took what they thought would work in the American environment and tradition, added a few things they invented themselves, and stood back, for a time somewhat anxiously.

Just so, the Commission has conducted an examination of other nations' sports organizations, not with the idea of transplanting systems, but with the aim of judiciously eying attractive elements. The Commission's first report detailed the finding that there are three basic modes of sports organization employed by successful sporting nations. In one, government is placed in control. In another, a non-governmental sports organization is in control. In the third, no one is in control. Only the U.S. uses the third method. All other effective programs employ some form of vertical organization, whereby policy and decision—whether arrived at democratically or otherwise—can be given to the entire system. This requires all the organizations conducting major programs in a sport to belong to the national governing body for that sport, and, in turn, for all national sports governing bodies to belong, or be subject to, a central sports organization.

In countries with such systems it follows that sport is a matter of high national priority. Indeed the East German government has recently asserted that each of its citizens has a birthright to pursue any sport of his or her choosing. Development in these vertically organized systems is carefully coordinated, usually through clubs which are exclusively sport oriented. By contrast, few countries employ schools for sport in the traditional U.S. fashion.

The National Olympic Committee in most coun-

tries (that is, the organization recognized by the International Olympic Committee as the agent through which a country's athletes are entered in the Olympics) occupies a special place in the sports structure. This is partly because of the undeniable stature of the Olympics, but there are other reasons as well. The international sports federations in the Olympic sports generally look to National Olympic Committees to certify their countries' national sports governing bodies for membership in international federations. And according to IOC rules, national sports governing bodies must be members of their countries' National Olympic Committees if they wish to enter their athletes in the Olympics. Therefore, the prevailing international structure gives a country's National Olympic Committee a good start at being a unifying influence. It usually has a broad membership of sports organizations and some power to settle disputes between its members. In addition, the U.S. Olympic Committee (USOC) has a federal charter (PL 805). Unfortunately, the USOC's charter is narrowly drawn, giving it little authority to act as a unifying force on U.S. sport. And, at present, not all organizations conducting national sports programs belong to the USOC.

Having considered, then, the profound need in American sport for coordination and direction, the Commission recommends the institution of a central sports organization for the United States. With the example of the founding fathers before us, we, too looked for the middle ground between the dangers of federal control of sport and the chaos of continuing as we are.

We, too, sought the creation of a body having limited powers, leaving local matters to local knowledge, and deriving its authority from the consent of the governed. We believe the following recommendations capture the best spirit of American sports tradition and will succeed in advancing and refining that spirit.

B. CENTRAL SPORTS ORGANIZATION

CENTRAL SPORTS ORGANIZATION

The Commission's study of amateur sports has produced two major recommendations: that the sports system should be characterized by vertically structured national governing bodies (NGBs) and that a central sports organization (CSO) should be established at the apex of that system.

This chapter of the Commission's Final Report discusses the CSO: the need for it, the structure of it, and the basic rationale underlying the Commission's decisions regarding it.

OVERVIEW

The President's Commission on Olympic Sports' first task was diagnostic. From an examination of various symptoms, the Commission set out to determine the underlying causes of the nation's athletic ill-health. Some of the symptoms have been remarked upon in the Overview section of Volume I: the fragmented, uncoordinated conduct of sports administration, the absence of any clear means of formulating unified policy on development priorities, the incessant organizational squabbles which waste administrative time and talent and jeopardize the fundamental rights of athletes to compete when and where they are physically qualified, and the lack of central fund raising strategies. Many of these miseries were documented in the Commission's first report, released February 9, 1976. Others are painfully set out in Volume II of this report, which consists of studies of individual Olympic sports and multi-sport organizations. The Commission gave special attention to an examination of the U. S. Olympic Committee (USOC), ostensibly the one body in a position to draw together the many factions of American amateur sport. It was found to be a maddening complex of organizations, so unwieldy in its make-up and structure that it finds accomplishing its work in an efficient manner difficult. Power blocs through the years have made it a major battleground for the NCAA-AAU conflict, although, since 1972, changes in voting allocations and the withdrawal of the NCAA have diminished this. Its development funding allocations often were made apparently in violation of the direction of its own constitution to give priority to the most needy sports. Historically, the USOC has been incapable of acting consistently on franchise challenges, despite the fact that many international sports federations look to the National Olympic Committee to certify the best contenders for NGB status. This paralysis, again, was traceable to factionalism and an unwillingness to offend powerful forces within the organization.

In the USOC's defense, the organization was not conceived to fill the role of national coordinator of amateur sports. It was simply, by virtue of its name, membership and financial ability, drawn into the vacuum created by the unmet needs in U. S. amateur sports. It grew up clumsily, but sincerely, through a series of attempts to address those problems. That it began from a narrow charter and that it was shaken from within by conflicting organizations prevented it from growing into a true unifying force. However, it has made progress in the last few years. Some of its restructuring has reduced the prospect of power blocs incapacitating it again, athletes have been brought closer to the decision-making process, and the administration of the 1975 Pan American team and the 1976 Winter and Summer Olympic teams was free of the embarrassing mistakes which marred 1972 participation in Munich.

THE NEEDS OF AMATEUR SPORTS

Since the publication of the First Report, the Commission has supplemented its understanding of the nature of the American sports system by conducting a detailed review of each of the Olympic sports and the organizations active in them, as directed by its Executive Order.

The Commission found that two broad categories of problems afflict Olympic sports: (1) those which occur within a number of disciplines but which may be solved by the sports organizations themselves, and (2) those which erupt across sport lines and which can be solved

only by cooperative action among all sports organizations.

Intra-Sport Problems

In the first category are such subjects as: (1) disputes between organizations (over franchises or other issues) or between organizations and athletes; (2) questions concerning the proper representation of athletes and coaches in the sports organizations which serve them (especially NGBs) in policy making, the writing of coach and team selection criteria, etc.; (3) actions necessary to deal with facilities and/or equipment shortages; (4) steps necessary to alleviate shortages in technical expertise (of coaches and/or officials); and (5) efforts required to generate and allocate the funds to run effective programs both for particular organizations and for the sport as a whole. Such problems must ultimately be solved by the cooperative efforts of organizations and individuals within each sport. The Commission believes that such cooperation mandates inducing the development of an integrated vertical structure within each sport. This may be accomplished by persuading all organizations and individuals active in the sport to participate in and coordinate their activities through the NGB. To that end, and to ensure that each constituency finds fair representation through the NGB, criteria for NGBs are outlined in the chapter in this volume on Vertically Integrated Organizational Structure for National Governing Bodies. Strong controls for ensuring that NGBs adhere to those criteria are discussed in the chapter in this volume on Resolution of Franchise Disputes. Both sets of recommendations will require legislation, as will the recommendations offered in this chapter.

Inter-Sport Problems

This category of problems cannot be solved by each sport acting alone. These problems include, but probably aren't limited to, (1) developing heretofore untapped resources for financing amateur sports; (2) boosting the opportunities for women in sports; (3) standardizing the rules of amateurism; (4) assisting the government in defining the proper role of the military in amateur sport; (5) dealing with the concerns of the handicapped; (6) establishing a central system for the study and implementation of sports medicine techniques; and (7) addressing the requirements for the development of world class athletes.

One of the underlying causes of all these problems is inescapable: It is the lack of any forum for their discussion by all parties concerned and the absence of any unifying body to pursue their solution.

Put very simply, then, the Commission's diagnostic work has established that the infirmity of American amateur sports is the result of two basic needs:

(1) The need for each NGB to provide all organizations and individuals active in the sport with a forum in which the sport as a whole can be examined and from which energies can be directed toward common goals; and

(2) The need for a central, policy-making body to define sports-wide problems and advance solutions.

That was the easy part.

THE SPORTS ENVIRONMENT

The second task for the Commission was to discover an effective means of satisfying these needs. One prescription has been noted – that of coaxing NGBs into being responsive to and responsible for the overall health of programs in their sports. But in attempting to define an appropriate form of administration for all sports, the Commission was faced with certain restraints; harsh realities tended to limit acceptable options.

First, the workings of international sports organizations had to be considered. The International Olympic Committee's (IOC's) Rule 24 sternly decrees that there shall be no political influence upon the National Olympic Committee of any nation. This is a prohibition which seems to many to be unevenly enforced (witness the African nations' departure from the Montreal Olympics for political reasons and the absence, thus far, of IOC punishment). Nonetheless, in interviews with the Commission, IOC officials repeatedly expressed the concern that if even the United States, symbol of free enterprise, were to opt for governmental control of sports, any influence the IOC has been able to exert to keep sports free from politics would be completely undermined. (See Volume II, chapter on International Viewpoint.)

In devising a means for deciding franchise disputes, the Commission had to take into account the procedures of the international sports federations (ISFs) for recognizing NGB members. ISFs normally either reserve to themselves or to the National Olympic Committee (NOC) the right to decide franchise questions. Often, especially in the case of disputes (as opposed to the case in which a country applies for ISF membership for the first time), an ISF will look to the NOC for a recommendation as to who should hold the franchise. For this reason, in designing a mechanism for the resolution of franchise dis-

putes, it is to our advantage to use procedures similar to those already established by the USOC and recognized by the ISFs. This also avoids unnecessary conflict with the rules of the ISFs.

There are additional domestic constraints on the kind of unifying sports authority the Commission can recommend. The history of sports legislation[1] over the past few years has established two things:

- That the public and Congress are not willing to accept wholesale government intrusion into amateur sport, and
- That the lobbying capacity of certain sports interests (in particular the schools and colleges) is very great.

While the Commission adheres to George Washington's advice to the Constitutional convention on the subject of watering down proposals for the sake of political expediency[2] (indeed, the Commission's recommendations on athletes' rights are similar to those vociferously opposed by the NCAA in 1974), some prudent consideration of the wishes of the amateur sports organizations is only sensible. In any case, it is consistent with American tradition and with logic to try, as much as possible, to permit the most influential bodies in U. S. amateur sport—the NCAA, the AAU, the National High School Federation, even the USOC—to work out their own solutions to their problems whenever possible.

Criteria

Observing these constraints, and knowing what any successful unifying body must have the power to do, the Commission evaluated dozens of proposals, ranging from those which argued for no action to those which called for the total assumption of responsibility by the government for amateur athletics. The Commission consciously attempted to measure all options against standards of fairness, authority (both legal and moral), accountability and acceptability. Elements of proposed models were studied separately, juggled and re-evaluated. Gradually a structure for a central sports organization took shape, a structure the Commission believes is built upon the strengths of the present system, a structure both effective and acceptable to the international organizations and the preponderance of domestic organizations.

[1] For an understanding of previous attempts at legislation, refer to: *Hearings before the Committee on Commerce*, U. S. Senate, 93rd Congress, #93-23; May 22, 23, 24, 1973; *Hearings before the Committee on Commerce*, U. S. Senate, 93rd Congress #93-53, November 5, 1973; *Report of the Senate Committee on Commerce on S.3500* 93rd Congress, No. 93-850, May 15, 1974; and *Congressional Record*, May 21, 1974.

[2] "If to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and honest can repair."

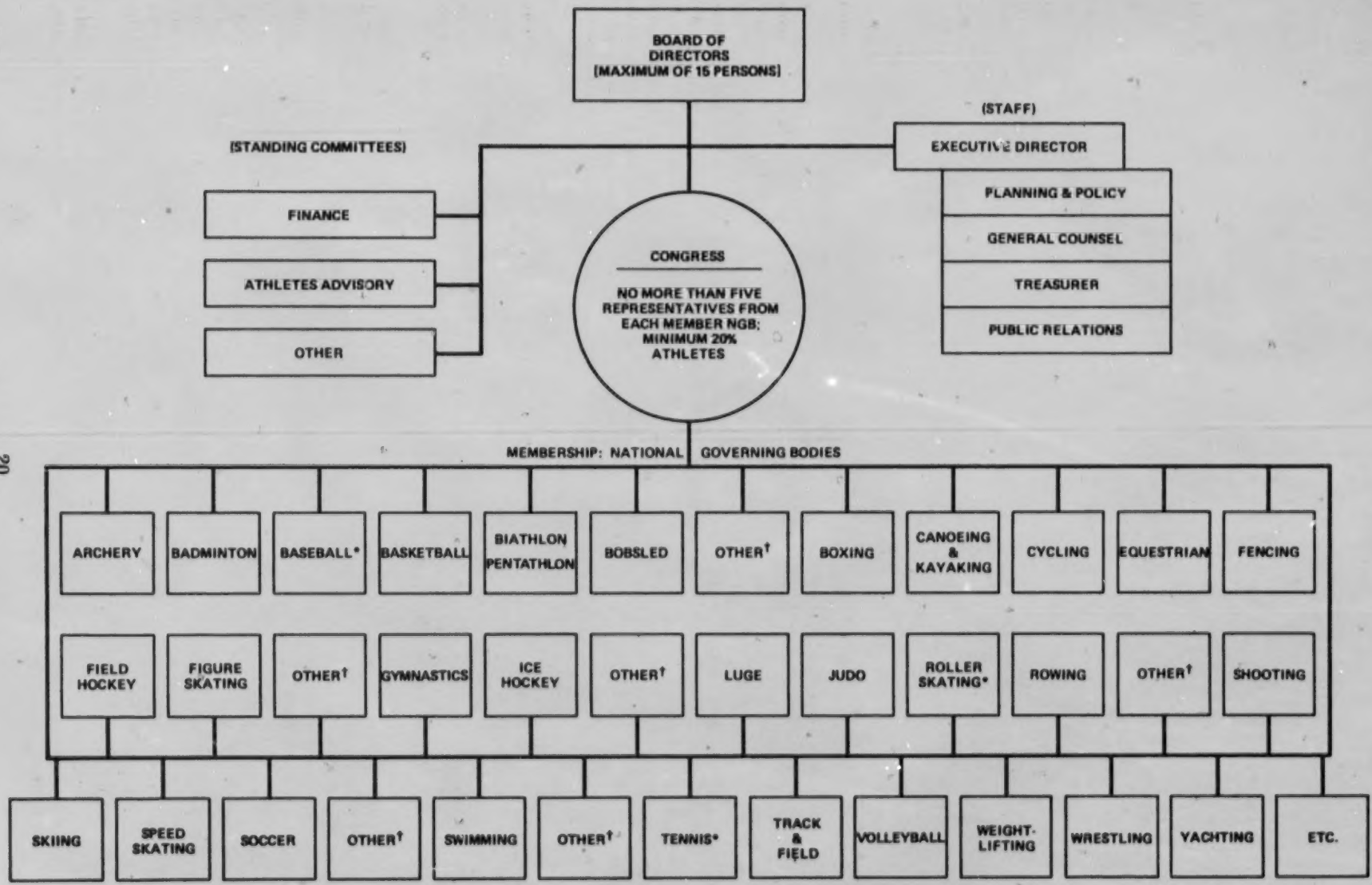
RECOMMENDATIONS

The foundation of that structure is the U. S. Olympic Committee (USOC), albeit a profoundly simplified and revised edition. Some of the reasons for this choice have been touched upon previously: 1) NGBs must all belong to the USOC in order to send athletes to the Olympics, 2) membership may be made contingent upon the adherence to NGB criteria, and 3) most ISFs look to the National Olympic Committee to certify NGBs for membership. As well, the USOC possesses, by virtue of its name and primary mission, significant fund raising potential. The organization has demonstrated its willingness to change to assist the U. S. sports system. As a publicly chartered, private corporation the USOC is susceptible to reasonable legislative restructuring without being federally controlled. Further, the new structure will have greater authority to address the problems extant in amateur sports if it incorporates the USOC, rather than existing separately from it. Finally, the USOC is presently the only sports organization in the U. S. to which all others can come with a sense of common purpose.

Thus the Commission recommends that a new organization be created through modification of Public Law 805 to foster, and be the highest congress of, a representative, vertically structured American sports system (see organization chart). The organization should be assembled as follows:

- The membership of the new organization will consist of the NGBs for Olympic, Pan American and other amateur sports which adhere to the NGB criteria as described elsewhere in this report;
- Each member NGB will send not more than five representatives (at least one of whom must be an active or formerly active athlete) to the Congress of the Membership. The Congress, a majority of which must be composed of representatives of NGBs of Olympic and Pan American sports, and of which the IOC and PASO (Pan American Sports Organization) representatives will be voting members, will meet as required to write and/or revise the constitution and bylaws of the new organization as necessary, and to elect a Board of Directors (not to exceed fifteen persons), of which at least 20% will be active or formerly active athletes, and which will be empowered to direct the affairs of the new organization;
- Members of the Board of Directors will serve no more than two consecutive four-year terms;

CENTRAL SPORTS ORGANIZATION



* PAN AMERICAN GAMES SPORTS NOT ON OLYMPIC CALENDAR.

† SPORTS NOT ON THE OLYMPIC OR PAN AMERICAN GAMES CALENDAR FOR WHICH BOTH AN AMERICAN NGB AND AN INTERNATIONAL SPORTS FEDERATION EXISTS WILL BE ELIGIBLE TO BELONG TO THE CSO, IF THE NGB ADHERES TO NGB CRITERIA.

– The Board of Directors will establish standing and temporary committees (to deal with subjects such as finance, women, handicapped, rules, etc.) as it deems necessary. One of the standing committees will be established to deal with athletes' concerns and initially will be based on the same membership criteria as the present USOC Athletes Advisory Council (AAC). One of the athletes serving on the Board will be chairperson of this committee;

The new organization will have the responsibility to:

– Raise and allocate funds;

– Set development priorities;

– Adopt and, as necessary, amend the constitution and bylaws of the organization;

– Act as the National Olympic Committee;

– Screen and provide due process for disputes;

– Certify organizations as NGBs in individual sports;

– Consider issues such as sports medicine, amateurism, etc. and create appropriate standing or temporary committees to consider policy questions of major import to the amateur sports community;

– Review rules of competition of existing sports organizations (to the extent the membership feels is necessary) and make suggestions for change if those rules unnecessarily inhibit growth of the sport in some area;

– Provide legal services for athletes who require them in order to obtain the right to compete; and

– Formulate and maintain an informed national policy for amateur sports.

The organization should hire and maintain the minimum staff consistent with the effective execution of the functions outlined above and with sound management practice. In addition, the Commission recommends that:

– Disputes involving athletes' rights which cannot be readily and expeditiously resolved within the organization be referred to the American Arbitration Association (AAA);

– Funds of the new organization be professionally managed; and

– As recompense for time and money spent in conjunction with their duties, the Directors be eligible for a reasonable and appropriate per diem and for reimbursement of business-related expenses.

Rationale for Recommendations

The Commission believes it has been able to build upon proposals made in earlier attempts to legislate a solution to the ills in U. S. sports. It has examined the whole range of the Olympic sports and of inter-organizational relationships through sport consulting group meetings, hearings, interviews, and written testimony from interested individuals. The Commission believes it has made a sufficiently in-depth analysis to grasp the scope of the problems involved and discover their causes. The Commission has also carefully examined the objections of the IOC, ISFs, domestic sports organizations, and the public and derived a solution which should, when implemented, result in a significant improvement in the condition of amateur sports.

For example, previous sports studies, and previous attempts at legislation, have recognized the need for a workable mechanism to resolve franchise disputes. However, the proper mechanism, one which is both workable and acceptable, has eluded creation. Obvious inequities exist in a system in which franchise holders decide the merits of franchise challenges. Yet this is precisely the condition which many perceive to exist. Attempts to move franchise decisions to the realm of a group of Presidential appointees (S.3500) were met with loud opposition from much of the sports community because government interference is anathema to them. Even the NCAA, NJCAA, and NFSHSA, all of which supported S.3500 at the time, have stated that they would prefer a non-governmental mechanism, providing it is fair and equitable. The Commission also believes that governmental control of sports should be avoided, except as a last resort.

The Commission's solution: to establish precise criteria to which NGBs must adhere, and then have franchise decisions adjudicated by the American Arbitration Association (AAA), in accordance with present USOC procedures. The AAA's decision would be binding. The result: decisions are made by an organization (the AAA) recognized as impartial by present USOC members; the international community accepts the arbitration process as it is essentially the same as the current practice; the existing franchise holders are bound by the AAA's decision; and there is no governmental interference in the process.

The issue of control of the amateur sports system also has been the subject of much debate.

Previous study groups and previous attempts at legislation have assumed either that the sports organizations should control their own destinies and solve their own problems, which they have generally been incapable of doing in the present environment, or that the government should step in and set things right—medicine that neither the sports organizations nor the public have been ready to swallow.

The Commission's solution: establish, through governmental action, a mechanism for franchise resolution using criteria which will ensure the development of responsive and representative vertically-integrated NGBs in each sport. *Then* let the sports organizations be responsible for directing the future course of amateur sports through the proposed structure. The result: the logjam which has paralyzed amateur sports for years, and which neither of the major power blocs in amateur sports could move to resolve without abandoning its legitimate interests, will be broken. With the franchise issue settled, the reason for two separate blocs should disappear, and existing organizations will be able to work more effectively toward the solution of other problems facing amateur sports.

The Commission's decisions on the matters of franchise dispute resolution and on ultimate control of amateur sports provide the framework within which the definition of other less major issues and relationships takes place. The rationale for decisions on these other matters is described below.

Basic Organization

In order to ensure that the new structure will be controlled by the sports community, the Commission decided that the basis of the structure will be voluntary participation of vertically structured and fully integrated NGBs. This decision was made in light of the fact that NGBs are the only organizations in each sport which have a vital interest in development at all levels of the sport. The Commission believes that, in an environment in which they must be representative of their constituents and accountable for their actions, the NGBs will be effective agents for positive change.

Multi-Sport Role

Although multi-sport organizations (which, with the exception of the NCAA, are currently Group B members of the USOC) are not eligible for membership in the new organization, it is expected that their interests will be represented at the highest level through two means. First, the multi-sport organizations will play a significant role, and have fair representation in the NGB for each sport in which they have a program. Obviously, in some sports, their influence will be dominant. In others, where their programs are not so widespread, the influence of multi-sport organizations will be more in line with that of the other organizations active in the sport. In any case, the influence multi-sport organizations can exert through the NGBs will be determined by their overall contribution to sports.

Second, in view of the obvious expertise multi-sport organizations possess in dealing with issues that cross all sports, the central sports organization will be expected to make use of the skills and experience of multi-sport groups in the standing committees, where issues which affect all sports will be considered. Such functions as the allocation of development funds can probably best be carried out by persons associated with multi-sport organizations, persons who are experienced in maintaining healthy programs in some sports while building healthy programs in others. The CSO's use of "multi-sport" people will give the multi-sport organizations direct and, at times, dominant input into the policy-making process within the new organization.

Other domestic organizations (and individuals), especially those which currently make up Groups C, E, F and G, of the USOC,[3] will be represented as appropriate through the vertically structured NGBs. For instance, the regional AAU associations will be represented by AAU participation in the various committees of the CSO and through those NGBs to which the AAU belongs. Gradually, AAU volunteers involved with a particular sport will become affiliated with the NGB, while those concerned with sports administration will be active in the AAU in providing common services to sports. Conferences affiliated with the NCAA will be represented through NCAA membership in NGBs. Both AAU associations and NCAA conferences, of course, could also affiliate directly with NGBs, if they chose to do so.

Other organizations would have similar options. The U. S. Judo Federation and U. S. Judo Association will be represented through the NGB for judo; the U. S. Revolver Association, National Skeet Shooting Association, and Amateur Trapshooting Association of America would all have a voice in, and representation through, the National Rifle Association. Individuals will be represented through the organi-

[3] See the chapter in Volume II of this report on the United States Olympic Committee for definitions of these membership categories. The present membership Group D of the USOC—the state Olympic committees—will not necessarily exist under the CSO. However, some sort of regional, private citizens' organization, dedicated to the promotion of amateur sports, could be of great value to amateur sports in this country.

zations they wish to join. It is hoped that all organizations active in sports will also find it advantageous to involve members of the general public, in some way, in their administration. Each active sports organization will be encouraged to work for each sport through the NGB; this will better enable each NGB to fulfill its role both in addressing problems within its sport and in working with other NGBs to solve problems which affect all sports.

Specifications of the Membership

The Commission expects that the membership of the CSO should be open to all NGBs adhering to the aforementioned criteria. Each NGB which joins the new organization should be apportioned representation equal with other member NGBs (as covered below) on questions put before the membership.

Specifically, it is expected that each member NGB will be encouraged to send a maximum of five representatives (one of whom must be a current or former active athlete) to the Congress of the Membership. The Congress will meet annually to write and subsequently amend the CSO's Constitution and Bylaws as required and to elect the Board of Directors and to conduct such other business as may lawfully come before the Congress. The IOC representatives (and their PASO counterpart) will be voting members of the Congress.[4]

Authority of the Olympic NGBs

While for the present, the Commission requires each NGB joining the new organization to have equal representation with other member NGBs, the Commission desires that the primary emphasis of the CSO remain on the Olympic sports and that the CSO act as the National Olympic Committee. However, the potential exists for vertically structured NGBs of the non-Olympic sports to outnumber NGBs representing the Olympic sports. In that event, the voting apportionment of the NGBs should be restructured so that the Olympic NGBs always maintain a majority vote within the membership.[5]

Specifications of the Board

The Commission believes that in principle the Board of the CSO should be small, impartial, directly accountable to its membership and indirectly accountable to the public. For this reason, it is the Commission's position that amateur sports can best be served by limiting the size of the Board to a maximum of 15 Directors. To insure that the membership has continuing significant influence with the Board, and that the Board remains accountable to the membership, elections for directorships will be frequent; directors will serve four-year terms.[6] To insure that no particular point of view becomes entrenched on the Board, directors are limited to two consecutive terms. Because directors have as their primary function the representation of all sports and should therefore not be identified with particular interest groups or organizations, they must resign officerships in NGBs and/or other sports organizations upon election; paid employees of sports organizations are not eligible for nomination to positions on the CSO Board of Directors. In order to maintain the minimum ratio of athletes on the Board (required by the criteria of vertical structure at lower levels of administration), at least 20% of the directors must be athletes.

Selection of Representatives

The selection of representatives from the NGBs to the Congress for the purpose of voting on directors (and handling such other business as may be required to come before the Congress by the constitution and bylaws) will be at the discretion of the NGBs with the following limitations: the process should be reflective of the membership's interests, and at least 20% of the representatives from each NGB must be active or former world class athletes elected by active athletes in the sport. (See the discussion of suggested NGB criteria elsewhere in this volume.)

Nomination of Candidates

Procedures governing the nomination by the membership of candidates to the Board of Directors shall be as specified in the bylaws of the CSO.

The Commission believes it will be useful for the representatives to consider ways in which to nominate members of the public for positions on the Board who may not be active in sports organizations but who have both an interest in

[4] The decision to include IOC representatives as voting members of the Congress was made by the Commission to satisfy requirements of IOC Rule 24, which in part states ". . . the members of the International Olympic Committee for that country . . . shall be members of the Executive Board (or its equivalent) . . ." (IOC Rule, 24, I).

[5] Such voting reapportionment would be required to comply with IOC Rule 24, II, which states in part, ". . . representatives of the National Federations, which are members of International Federations whose sport is included in the Olympic programme . . . must constitute a voting majority of the National Olympic Committee . . ."

[6] In writing the constitution and bylaws for the new organization, the Congress may wish to stagger the terms of office of the directors so that approximately one-half are elected every two years. This gives the membership the option to re-elect or replace a significant number of directors every two years, yet ensures that there remains continuity from one board to the next.

sports and some general expertise in finance, management, etc. It is anticipated that inclusion of such people on the Board will help provide a certain openness which too often has been lacking in many sports organizations in the past.

Funding Responsibilities

Several methods of providing significant new funding to amateur athletics were considered by the Commission (see the chapter in Volume II on Financing of Amateur Athletics). No single source was identified as being the best way for the new organization to generate funds. Rather, this decision (or the decision that the "best" way involves combining several sources of funds) was left to further deliberation by the Congress, and the Board of Directors should understand that the Commission believes that massive new funding for amateur sports is absolutely essential to the long-term improvement of the American sports effort.

The CSO must establish a repository for funds generated. This repository should be created so that contributions to it are tax-exempt, and that professional management of these contributions is ensured. Whether the repository is established within the confines of the organization or external to it is left to the discretion of the CSO itself.

In order to foster accountability, the Commission believes it essential that the Board, which represents the membership, be free to act as it sees fit on matters which require establishing priorities and allocating funds. Whatever repository mechanism is chosen, the disbursement process must ensure that funds are distributed in accordance with the decisions made by the Board. It is anticipated that this requirement will ensure accountability and provide the membership with strong incentive to take part in the affairs of the new organization.

Accountability

The Commission feels strongly that mechanisms for ensuring the accountability of the Board of Directors be written into the CSO's charter. Such mechanisms should include, but need not necessarily be limited to, the yearly publication (available upon request to any interested party) of an audited CSO financial statement with accompanying explanatory material delineating the past year's performance in relation to stated objectives and the objectives which have been established for the coming year. Periodic review of the financial activities and plans of the organization by Congress is similarly encouraged. Most important, the Commission recommends that the CSO charter (P.L. 805) be subject to renewal by Congress every six years. This should further ensure that the CSO remains true to the intent of the Commission's recommendations and the subsequent legislation. It will also give Congress an opportunity for periodic review to determine how effective the legislation has been in fulfilling the intent of Congress.

Allocation

A top priority of the new organization is expected to be ensuring that the U. S. Olympic effort is adequately funded. It is expected that strong emphasis will be placed by the CSO on development programs, especially on those aimed at increasing mass participation in sports. In addition, a method should be developed whereby vertically integrated NGBs examine the needs of their sports on an annual and quadrennial basis and submit plans for action and required funding to the CSO. The Commission expects that NGBs for non-Olympic sports will be eligible for and awarded grants on the same basis as those from the Olympic sports.

Other Features of the CSO

Standing committees will be established within the CSO for the purpose of advising the Board of Directors on matters as it deems appropriate. The Board will establish such committees as it requires; the structure, authority, and tenure of the committees is at the discretion of the board.

As an example, it may be anticipated that committees will be established to deal with such topics as finance, policy and planning, facilities, the needs of the handicapped, amateur sports development, the needs of women athletes, rules of amateurism and competition, etc.

One standing committee which the Commission feels strongly should exist in the new organization is the Athletes Advisory Committee. This committee should initially have the same membership criteria as the current Athletes Advisory Council (AAC) of the USOC. One of the athletes on the Board of Directors will be assigned (in accordance with established procedures) to act as chairperson of the committee.

The executive arm of the CSO will be the office of the Executive Director and his staff. The Board of Directors will assign the duties and oversee the operations of the Executive Director and his staff as provided for in the bylaws of the organization.

The Commission expects that the Board will

provide (probably through the staff) a timely and expeditious administrative review process for disputes, including those which are likely to be referred to the AAA for arbitration. The intent of this review is to discourage frivolous and/or unnecessary arbitration (without inhibiting those individuals or organizations with legitimate complaints) in cases which can be resolved more expeditiously by the Board of Directors.[7]

ORGANIZATIONAL RELATIONSHIPS

The New Organization and Domestic Sports Organizations

In some respects Olympic NGBs will be subject to strong control by the CSO in that their membership in the organization (and NOC) will be required if they are to participate in the Pan American and Olympic Games. Membership can of course be made conditional on the basis of adherence to certain guidelines (especially having to do with vertical structure) which will be enacted in legislation. In effect, the Olympic NGBs both control the new organization and are controlled by it.

Non-Olympic NGBs are free to join (or not join) the new organization as they wish, but must adhere to its membership requirements if they choose to join. The major inducement of these organizations to become members is that membership is a requirement for receiving funds through grants. Non-Olympic NGBs must be vertically structured in order to be accepted as members.

The New Organization and the IOC

IOC Rule No. 24 requires that the IOC approve both the constitution of an NOC which is being established for the first time, and changes to the rules governing an established NOC. The IOC, therefore, must approve the constitution of the new organization. In this regard, the Commission anticipates that the IOC will endorse the recommendation of the current USOC, and, further, anticipates a favorable USOC recommendation.

The Commission has made an effort to ensure the USOC's reaction to the new organization will be positive. First, members of the Commission and its staff have conducted an extensive dialogue with USOC officers in an attempt to determine the views and objectives of those who represent the Olympic movement in this country, and to incorporate those views where applicable in the structure of the CSO. Second, the Commission has structured the new organization to incorporate a substantially expanded role for the USOC. Third, the Commission has taken care to ensure that the new organization is in compliance with IOC rules. The Commission believes that there is no substantive reason for the USOC (or the other major sports organizations) to oppose the establishment of the CSO.

The concerted opposition of the USOC and IOC to the establishment of the new organization might prevent its realization; but it is not to their advantage to do so. If an organization were established to act as the CSO which did not incorporate the NOC, it would mark the beginning of the deterioration of the Olympic movement in this country. Further, while the Commission would recommend such steps only as a last resort, it is obviously within the power of the American people (through the Congress) to determine its own destiny as related to American participation in international amateur athletics.

As delineated throughout this report, the problems facing sports programs in the United States are serious. The Commission believes that its recommendations offer the sports community as a whole, and the Olympic movement in particular, the vehicle which will enable the groups involved both to resolve most of the problems plaguing our amateur athletic effort and to remain in control of their own destiny. Fair minded people, the Commission believes, will find little to oppose in the intent and basic thrust of these recommendations.

The New Organization and International Sports Federations

The ISFs will have no reason to take exception to the new organization. Generally the ISFs are primarily concerned with fostering strong, independent NGBs; this is a stated goal of the CSO, manifest in the emphasis on a vertically integrated structure. For this reason, the Commission expects the ISFs to support its recommendations. Some ISFs would be concerned, on an individual basis, with a mechanism for deciding franchises, as it affected them, were it not for the fact that the resolution process recommended is identical in principle to the existing mechanism established in the USOC constitution. However, because the CSO will be required to recognize and support the "winner" of any franchise dispute submitted to the AAA, there is a potential, albeit remote, for the CSO to come into conflict with a particular ISF. Should this happen, it must be recognized that while the ISF has the right to decide who its members are, franchise disputes between domestic organizations must be considered an

[7] See the chapters on Resolution of Franchise Disputes and Athletes' Rights in this Volume.

internal domestic matter—to be solved within the confines of the American system.

ROLE OF THE FEDERAL GOVERNMENT

Implementation of the recommendations outlined above is expected to be effected through the combined efforts of the public, the government and the existing sport organizations. For details, see the chapter on Implementation in this volume. The federal government needs to play a significant role once the CSO is in place. By assigning the President's Council on Physical Fitness and Sports (PCPFS) responsibility to act as a focal point in the government, the following tasks can be accomplished:

- Efforts of other federal agencies to assess and prepare for the impact of the CSO on their policies can be coordinated; and
- A permanent liaison between the federal government and the CSO can be established.

There remain a great many services that government can perform to aid amateur sports in this country. Among those services are:

- Presidential action, including:
  - -statements promoting amateur sports,
  - -support of specific legislation,
  - -requests for support of amateur athletics from the business community, and
  - -redefinition of the role of the military in amateur sports,
- Congressional action, including:
  - -joint resolutions of support;
  - -authorizing funds or funding sources, and
  - -eliminating unnecessary import duties on sports equipment;
- Joint Executive-Congressional action:
  - -expanding the role of the military and various government agencies in regard to amateur sports,
  - -reorganizing of priorities of government to make funds available to amateur sport,
  - -re-examining CAB regulations as they impact on amateur sports, and
  - -promoting the concept of "broken-time" payments.

In order to insure that Federal efforts satisfy priorities established by the CSO, the Commission recommends that a sub-Cabinet level Committee be established by Executive Order to coordinate Federal response. As the sub-Cabinet level Committee will, of necessity, meet on an infrequent basis, the Commission further recommends that PCPFS (if it is assigned to be the CSO-federal government interface) be established as the staff and coordinating arm of the newly established Cabinet level sub-committee.

State governments can be particularly effective in helping promote the development of sport in America. Working with private state organizations concerned with amateur sports (perhaps patterned after state Olympic committees), state governments, many of which have Governor's physical fitness councils, can do much to ensure that the physical development of citizens is given a high priority. (Note: Detailed descriptions of the effect of governmental action in many of the above areas are contained in the chapters on Financing Amateur Athletics, Role of the Military and Implementation.)

STATUS OF SPORT: INITIAL PRIORITIES

To provide a snapshot of the present state of each Olympic sport and the environment in which the CSO will begin operations, the Commission has produced the following table. The table portrays six major categories of need. In each sport, the needs have been assigned priorities in an attempt to assess the adequacy of the NGB's present emphasis on each category. Although necessarily generalized and subjective, the Commission believes the table offers a reasonable overall picture of the state of the Olympic sports in America today.

Definition

Each sport faces six categorical areas into which possible effort can be channeled. The categories are: administration, development, competition, facilities, funding, and organization. The definitions of each category are:

Administration: The conduct of the affairs of an organization in managing a sports program. The adequacy of the organization staff and its ability to communicate and carry out directives are related issues.

Development: Programs designed to foster the emergence, appearance, and/or training of athletes, coaches, and officials. Such items and activities as training manuals,

handbooks, exhibitions, training camps, clinics, etc., are related to development.

Competition: Contests or tournaments among athletes conducted at the national and/or elite international level. The development of elite athletes from the level of national recognition to international caliber may be considered an end product of competition.

Facilities: The existence and availability of physical structures necessary for the conduct of competition, training of athletes, officials, or coaches, or for the administration of the sport.

Funding: Income.

Organization: The interaction among the various groups (organizations, constituencies) and individuals active in the sport. Such issues as athlete representation on NGBs and constituent and franchise disputes fall in this category.

Interpretation

Each category is assigned both a number and a letter for each sport. The number describes the Commission's view of the relative priority the NGB should place on that category, in terms of resource allocation and focus of effort. The category marked "1" is in greater need than than "2" and "2" is in greater need than "3," etc.

The letter assigned each category is intended to describe the Commission's perception of the urgency of the need in a given area.

"A"—"Urgent"—present levels of emphasis are seriously inadequate; heavy additional emphasis is necessary.

"B"—"Necessary"—present levels of emphasis are inadequate; greater emphasis than is presently being given is necessary.

"C"—"Present levels adequate"—self-explanatory.

Certain decisions had to be made in constructing the table. For instance, the Commission decided to treat only those sports which were included on the 1976 Olympic program and for which the Commission wrote a separate report. This eliminated from separate consideration sports such as Greco-Roman wrestling because its needs are included in the Volume II chapter on wrestling. The figures under wrestling on the table therefore attempt to describe the NGB's task in both freestyle and Greco. The decision also eliminated women's field hockey (which will be included on the Olympic calendar for the first time in 1980); field hockey, as it appears on the exhibit, is intended to portray the priorities associated with the men's program.

The table not only indicates the Commission's view as to the intra-sport priorities but tends to indicate where some of the problems lie, as is demonstrated below:

Number of Sports Citing the Following as Highest Priority		*Number of Sports Citing the Following as Lowest Priority*	
Funding	11	Organization	12
Organization	8	Facilities	11
Administration	4	Administration	3
Development	4	Funding	2
Facilities	3	Competition	1
Competition	0	Development	1

According to the figures above, funding is the overwhelming need of amateur sports while organization is a close second. Fully 19 of 30 reports list either funding or organization as the highest priority area. Interestingly, competition was not ranked as the highest priority in any of the sports, in spite of the fact that several sports administrators interviewed by the Commission stated that competition is the area on which the NGB places highest priority.

A weighted average of the priorities shows the relative importance of the various categories of need:

Funding:	2.6
Development	3.0
Administration:	3.4
Organization:	3.7
Competition:	3.9
Facilities:	4.3
(MEAN: 3.5)	

Facilities rank last in priority on the average. Most sports seem to have adequate facilities, although where they are lacking, the problem may be particularly acute. Organization ranks very close to the mean, yet eight sports reports show organization to be the highest priority, and 13 show it to be last. Organization for most sports is either a serious problem or no problem at all. The correlation in this regard appears to coincide, on the one hand, with sports which are highly developed (e.g., yachting) or very little developed (e.g., bobsled) as opposed to those which are emerging (e.g., soccer) or in transition (track and field).

This information is presented because of what it shows about the major problems in amateur sports. It will be the task of the NGBs

* The availability of facilities was included under the heading "*Development* in the section of this report entitled *Financing Amateur Athletics.*

and the CSO to compile and interpret the data necessary to address these problems. The task is challenging—it is the Commission's hope that the information contained in this subsection can be used effectively as a departure point for consideration of priorities.

Priority
1—First
2—Second
3—Third
4—Fourth
5—Fifth
6—Sixth

Emphasis
A—Urgent
B—Necessary
C—Present Level Adequate

	3.4 Administration	3 Development	3.9 Competition	4.3 Facilities	2.6 Funding	3.7 Organization
Archery	5B	3A	4B	6B	1A	2A
Basketball	5C	3C	4C	6C	1B	2C
Biathlon	2A	3A	4B	5C	1A	6C
Bobsled	3C	2A	5B	1A	4B	6C
Boxing	3B	4B	5C	6C	1B	2B
Canoe & Kayak	2B	1A	4B	5C	3B	6C
Cycling	2B	3B	4B	6C	5B	1A
Equestrian	5C	2C	4C	3C	1B	6C
Fencing	3B	2A	4B	6B	1A	5B
Fld. Hockey Men	6B	2A	3A	5B	1A	4B
Figure Skating	5C	4C	3C	1B	2C	6C
Gymnastics	1B	3C	4C	5C	2B	6C
Ice Hockey	6B	5B	3B	3B	2B	1A
Judo	2A	5B	4B	6C	3B	1A
Luge	4A	3A	6A	2A	5A	1A
Pentathlon	2A	3A	4B	5C	1A	6C
Rowing	5B	2B	3B	4B	1A	6B
Shooting	5C	1B	2B	3B	4B	6C
Skiing	4C	1B	2B	3B	5C	6C
Soccer	2A	4B	5B	6C	3B	1A
Speed Skating	2A	3A	5B	1A	6B	4B
Swimming:						
Diving	2A	6B	4B	3B	1A	5B
Swimming	1B	4C	3C	5C	6C	2B
Water Polo	4B	3B	5B	2B	1A	6B
Team Handball	1A	4A	5A	6B	2A	3A
Track & Field	2B	3B	5C	6C	4C	1A
Volleyball	1A	4A	5B	6B	2A	3A
Weightlifting	6B	3A	4B	5B	2A	1A
Wrestling	5B	3B	2B	6C	4B	1A
Yachting	5C	1B	3C	2B	4B	6C

ANTICIPATED RESULTS

Clearly, the establishment of vertical structure and the CSO will provide the sports community with the means to address both inter- and intra-sport problems. Recourse to the AAA for franchise disputes permits a disinterested arbiter to judge the merits of challenges, guaranteeing decisive action where there has been only hesitancy and stalemate. The membership requirements of the CSO ensure that all constituents and major programs in each sport belong to and can be coordinated through the national governing body for that sport. Finally, the Board of Directors of the CSO is a fully representative forum wherein the priorities, policies and direction of the U. S. amateur sports movement may be decided.

Enacting these recommendations will result in a series of concerted actions to address the prime sports problems enumerated above. Priorities will be ordered. Fund raising will be coordinated. Challenges to franchises will be resolved, the losers enabled to join the winners under the open membership requirements specified by the NGB criteria, and all would work together to advance the state of their common discipline. Athletes' rights to participate in competition will no longer be jeopardized by jurisdictional squabbles. Progress can be initiated towards resolution of the vital issues facing amateur sports such as development of women's sports opportunities, standardization of amateur codes, organization of sports medicine, and provision of assistance to the finest talent as it attempts to reach its fullest potential.

CONCLUSION

It is perhaps useful to cast our glance ahead five or ten years. The Commission's proposal is that of a voluntary-membership body, deriving its authority from the consent of the governed—the NGBs and all their present potential constituent groups. In effect the proposal is for a

self-regulating association of sports administrations, a final merging of the diverse directions of American sport. Such a banding together is common in protection of professional integrity and independence. In the law, medicine, accounting and communications such associations have been crucial to maintaining free, responsible and professional practice. The sports groups of America have never had the unity to form such an association. However, it is apparent to the Commission that such unity is essential if the American sports system is to continue along its traditional lines. In its absence, the sports community can only drift more deeply into ineffectiveness and chaos—inviting government intervention.

The Commission fears that in the absence of responsible self-regulation, American sports organizations will inevitably be regulated by federal law. But as indicated by its recommendations the Commission believes that American sports organizations *are* capable of responsible self-regulation, given the proper alterations in structure and the installation of the appropriate checks and balances as outlined in this report. The Commission's organizational recommendations are a mechanism designed to achieve this end, toward a gratifying vision of unified American sport.

C. SPECIFIC ISSUES

VERTICALLY INTEGRATED ORGANIZATIONAL STRUCTURE FOR NATIONAL GOVERNING BODIES

VERTICALLY INTEGRATED ORGANIZATIONAL STRUCTURE FOR NATIONAL GOVERNING BODIES

Sports development programs in the U. S. are administered and operated by national governing bodies (NGBs), multi-sport organizations, and other amateur sports groups. In effect, they make and implement sports policy. After significant restructuring, as proposed in the chapter in this volume on a Central Sports Organization, the United States Olympic Committee (USOC) will serve to support and coordinate the operations of these national sports organizations. It is expected that NGBs, multi-sport organizations, and other major amateur sports groups will continue to be primarily responsible for implementing national amateur sports policy. The basic administration and conduct of sports programs on a day-to-day basis would be carried out by these organizations, while the new umbrella organization would deal with common policy matters and inter-sport issues.

GUIDELINES NEEDED TO SOLVE FINANCIAL AND ORGANIZATIONAL PROBLEMS

Elsewhere this report notes that organization and financing are two major problems preventing the United States from fielding its best amateur athletes in international competition. It is anticipated that improved financing of amateur sports will occur at all levels once existing inter- and intra-organizational problems are addressed and progress is made toward their resolution. At that time, these organizations can vigorously explore better and more coordinated fund-raising methods.

In addition to fund raising by individual sports, the Commission is recommending a major coordinated effort at the national level on behalf of all amateur sports. However, any national level funding programs would require potential recipients to step up their planning activities, administrative capabilities, and financial accountability. Even without an umbrella organization or a national source of additional funding, some NGBs need to modify their structures. Individual sports analyses[1] have shown the need in certain sports for more cooperative efforts among constituents, more effective administration and development by the designated NGBs, and more efficient use of resources. Some sports are particularly deficient in the areas of adequate constituent group representation, communication, accountability and responsiveness. Since NGBs are or should be the key organization for fielding U. S. teams in international competition, this Commission has identified a set of guidelines to which NGBs should adhere. These guidelines are designed to improve sports development and to prevent or minimize future conflicts. One secondary benefit of improved organization within NGBs would be a greater capability to initiate and administer their own fund-raising activities.

[1] See chapters in Volume II for sport-by-sport analyses.

The guidelines recommended by this Commission have been developed with the following objectives in mind:

A. Overall Improvement of Sport Administration and Management (e.g., efficiency, effectiveness, equitable representation, checks and balances, objectivity, and autonomy);

B. Maximization of Opportunities for Athletic Endeavor (e.g., competitions, tours/exhibitions, clinics/camps, and other);

C. Overall Improvement of Development/Training Programs (e.g., athletes, coaches, officials, and judges);

D. Minimization of Conflicts (e.g., scheduling, rules, administrative, and others); and

E. Positive Effect on Overall Amateur Sports System (e.g., minimization of disruption to existing system, preservation of basic structure of well-organized NGBs, and stimulation of needed changes in poorly organized NGBs).

PROPOSED ORGANIZATIONAL STRUCTURE OF NGBs

The guidelines are *not* designed to force radical restructuring of all NGBs in order to adhere

rigidly to a specific organizational blueprint. Rather, they are designed to preserve and/or enhance existing effective organizations, while causing other NGBs to reorganize along certain well-defined lines.

At present, a wide range of NGB organizational structures work effectively, efficiently, and with a minimum of conflict. These NGBs should not be forced to change. The guidelines have been developed to preserve the basic structure of these well-organized NGBs and to spur organizational change in those NGBs currently fraught with conflicts or poor management.

The guidelines are designed to result in NGBs with the following organizational characteristics:

- All major national constituent groups[2] in a sport have the opportunity to be voting members;
- All major national constituent groups[2] have the opportunity to be represented equitably on the governing board (the composition of the governing board should reflect the membership as a whole);
- No constituent group has control over a majority of the votes within the NGB;
- Fair and democratic procedures are used to select individuals from within the constituent groups to serve as delegates to the Board;
- Participation in the sport resembles a pyramidal structure with a broad base of people active in the sport, democratically represented through one or more levels to the national level of sport governing body administration. The "layering" of the pyramid may be based on geography, age group, skill-levels, or other criteria.
- People involved in a sport make all decisions about the management and development of that sport; and
- The NGB is supported by a local and regional network for administration and development.

The majority of NGBs actively develop only elite level athletes in their sports; their responsibilities and activities are closely linked with *international* competition. Organizations responsible for *domestic* development generally are local, i.e., the schools, colleges, universities, clubs and military units. This tends to be a generally successful arrangement for athlete development up to the elite level, when international competition becomes a factor. Then the U. S. fields one team, requiring that all the organizations involved in developing the sport work together through the NGB to assemble a team of internationally-qualified athletes, coaches, judges and officials.

It is clear that international athletes, coaches, judges and officials don't simply materialize out of domestic programs as needed; there must be continuing communication and coordination through the NGB so that the club, school or military athlete is prepared to enter and do well in international competition. The fact that sports organizations need to work together to prepare for international competition argues for an integrated structure within the NGBs. Guidelines designed to encourage that kind of structure are presented later in this chapter. To ensure appropriate NGB responsiveness and accountability, fair representation of constituent groups on the NGB decision-making board must be assured and the decision-making process must be free from the domination of parent or outside organizations.

While a sport body may choose to affiliate with an umbrella sports organization, that decision should be made by the individuals directly associated with the sport. In principle, therefore, the Commission recommends that every NGB adopt a strict vertically integrated structure wherein the democratic electoral process is used, starting at the grass roots level and continuing through selection of the governing board of the NGB. This electoral process is designed to result in the most knowledgeable, representative, and accountable individuals within a sport making policy for that NGB. The Commission recommends that NGBs develop ways to set up this electoral process in their respective sports and that they be supported by a regional, state, and local network of management and programs, consistent with the degree of development in the sport.

Each NGB is encouraged to be the coordinating body for all U. S. development activity in its sport. As such, the NGB should be sensitive to all national level constituent groups with development programs. Special interest groups should especially be considered, including women, minorities, handicapped, and others.

Each NGB, structured according to the guidelines proposed herein, would then select representatives to its international federation and to

[2] These groups may be existing *organizations* which conduct programs in the sport, or defined *groups of individuals* active in the sport (e.g., athletes, coaches, public-at-large). National organizations that are presently Group B, C, E, or F members of the USOC are included under this definition, and would thus have the opportunity to be represented in the NGBs and, through them, in the USOC.

the USOC. This would ensure direct and fair representation of individuals active in the sport at the highest levels of sport administration.

PRESENT STRUCTURES OF NGBs

The Commission has found that a variety of NGB structures now exist and that no one specific structure for NGBs is demonstrably superior to the others. Four organizations have been selected and are described below as representative of this variety. Their presentation is not intended to suggest that they all meet the 15 guidelines described later in this chapter. Rather, each NGB structure has certain strengths that should be preserved, while any weaknesses should be corrected by application of the guidelines.

Amateur Athletic Union (AAU)

Eight Olympic sports are governed by the AAU. Programs in these sports are administered by committees staffed by volunteers (sometimes one for women and one for men) and a full- or part-time salaried administrator within the AAU National Headquarters. These Sport Supervising Committees generally are composed of:

- Representative(s) from each of the 58 regional AAU associations active in the sport (the number of representatives depends upon the number of active athletes in the sport in each association);
- At-large members appointed to the Committee by the AAU President, the Committee Chairman, and the committee itself. The President may appoint up to a total of five at-large individuals, and the Committee Chairman and the Committee may each appoint up to one at-large member for each ten regular committee members;
- Athlete representatives elected by athletes in good standing in that sport (four to ten representatives per committee);
- Representatives for each Branch of the Armed Forces actively engaged in the sport (one representative per Branch – four maximum);
- Representatives from each of the AAU voting allied member organizations (one representative if actively involved in the sport, with three representatives if the organization conducts a national championship in the sport); and
- Others – International Sport Federation representatives, immediate past Committee Chairmen, non-represented regional or zone Chairmen.

Each representative has one vote, and the Chairman is elected by the Committee's voting membership. The sports committees are part of the organizational structure of the AAU, and, as such, are subject to certain organizational rules and regulations which constrain their operations and finances. Recently, however, these sport committees have been given greater autonomy to run their programs, as discussed in the Volume II chapter on the AAU.

American Horse Shows Association (AHSA)

The American Horse Shows Association (AHSA) is the NGB for equestrian sports in the U.S. However, it delegates to the U.S. Equestrian Team, Inc. (USET) the administration of development and competition at the elite and Olympic levels. An independently incorporated organization, USET functions as an agent for AHSA in the area of international equestrian activities. USET is not a member of AHSA, however, since AHSA does not have organizational members; only horse show associations or individuals may belong. Nearly a quarter of AHSA and USET Directors serve on both Boards. This dual directorship coordinates the policies and activities of the two organizations.

A number of U.S. organizations are active in the international equestrian disciplines, mostly at the grass roots level. Examples include the U.S. Combined Training Association, the American Dressage Institute, the U.S. Dressage Federation, and the U.S. Pony Clubs. Like USET, these are not members of AHSA but share some Directors with the AHSA Board. The equestrian sports seem to be effectively and efficiently managed, have adequate financial and administrative support, and have not experienced significant organizational conflicts under this non-membership arrangement.

U.S. Yacht Racing Union (USYRU)

USYRU was restructured recently, resulting in a more even distribution of voting power and representation. Of the 31 individuals who sit on the Board of Directors, nine are elected directly by the grass roots sailors (one from each of four class councils, one from each of four offshore councils, one from the college and club community) and eight by the regional Yacht Racing Associations. Of the remaining members of the Board, three are selected as at-large members, and two are appointed to represent women and youth. These members are selected by a nominating committee, composed of officers and

other members of the Board. The five officers of USYRU (the President, three Vice Presidents, and Secretary/Treasurer, each elected for one-year terms) serve on the Board in an *ex officio* capacity. Finally, individuals representing USYRU's standing committees (Olympic yachting, intercollegiate yachting, class racing, and YRAs) are appointed to the Board by their respective memberships.

U.S. Gymnastics Federation (USGF)

USGF was one of the several sport federations established in 1963 by a committee of sports organizations under the auspices of the NCAA. Its only voting members are organizations; individual members may attend annual conventions or meetings, but do not vote on USGF matters. The voting member organizations include all national organizations whose members conduct programs in gymnastics. Representatives from these organizations, most of whom are appointed, constitute the USGF governing council, with voting strength based on the size and depth of their programs, as follows:

	Votes
AAHPER	1
The American Turners	1
National Association of College Gymnastics Coaches	1
National Association of High School Gymnastics Coaches	1
NCAA	4
NFSHSA	3
NJCAA	2
National Gymnastics Judges Association	1
YMCA	1
American Sokol Organization	1
AAU	2
NAIA	1
U. S. Association of Independent Gym Clubs	1

In 1963, the constitutent groups in gymnastics, minus the AAU, held the initial USGF meeting. At that time, each group had equal voice in determining how the total votes should be distributed. Since that time, other constitutents have joined USGF and the allocation of votes has evolved into that shown above.

The structure allows member organizations to be autonomous in administering their domestic programs and to have a voice in USGF policy, while no one organization dominates the votes.

USGF structure does not, however, provide for elections from the grass roots level up through the selection of governing council members. Individual USGF members do not have a vote at the national level. Through local and regional level elections, however, individuals active in gymnastics are able to elect the members of the various USGF regional and national technical committees. Except where there are resultant conflicts in the overall program, the recommendations of these technical committees to the USGF Governing Council are generally rubber-stamped.

* * * * * *

Since a number of sports are managed effectively by a variety of NGB structures, the Commission is not recommending that all NGBs adhere to a strictly defined organizational structure. Rather, the Commission has developed guidelines that encourage greater representation and involvement of all constituent groups in the NGB to ensure increased coordination and communication, particularly with regard to international competition. The guidelines also allow multi-sport and other sports organizations to continue the independent administration of their domestic development plans.

GUIDELINES APPLICATION

There are a number of ways in which the guidelines might be applied to NGBs. The Commission proposes the following:

A. Legislative action resulting in an amendment to the USOC's federal charter requiring the use of the guidelines by the American Arbitration Association (AAA) in resolving franchise challenge cases;

B. Adoption of the guidelines by the USOC as criteria for NGB membership.

C. Adoption of the guidelines by the USOC as requirements to be fulfilled by NGBs seeking grants.

Resolving Franchise Disputes

When a national organization in a sport challenges the sport's current franchise holder and seeks to obtain NGB status for itself, the case shall be referred to the AAA for resolution. The guidelines developed by this Commission would be the basis upon which the franchise would be awarded. The chapter in this Volume on Resolution of Franchise Disputes discusses this process in greater detail. Basically, however, the two organizations vying for the franchise would be measured against the evaluative guidelines to determine which one best fulfills their spirit and letter. Any constraints imposed on this process by international sports organizations, as discussed in the Volume II chapter on International Sports Organizations would be considered by the AAA.

Group A Membership Criteria in the USOC

The USOC can, of course, require its members to adhere to the criteria. It may choose either an active or a passive role in this regard, regularly reviewing its members' adherence to the criteria, or responding only to complaints against an NGB. If an NGB fails to meet the criteria, the USOC could take any of several actions against the recalcitrant organization, including suspension of its membership or revocation of its eligibility to receive funds.

In the event that an individual or group involved in a sport believes that its NGB did not comply with one or more of the criteria, that individual or group could seek relief from the USOC Board of Directors. The complainant would be required to specify in what regard the NGB was derelict. The USOC Board could then, at its discretion, receive written statements, affidavits and briefs from the complainant and the NGB. The Board would have 30 days from receipt of the complaint to reach a decision. If non-compliance with the criteria were established, the Board would then be required to take appropriate action against the NGB, including suspending its Group A membership or revoking its eligibility to receive funds.

If either party were dissatisfied with the Board's decision, it could request arbitration by the AAA. The decision made by the AAA would be binding upon the two parties and the USOC, although the decision could be appealed to the appropriate U. S. Federal Court. This appeal would, of course, be narrow in scope, assessing the decision only in light of there having been fraud, error, or non-jurisdiction.

The need for arbitration by the AAA is considered by the Commission to be a necessity only in the short run. Once NGBs have adopted the membership criteria and modified their organizations as necessary to conform with them, and once the proposed restructuring of the USOC has been completed, there should no longer be a need for the AAA. Congress could then either amend the USOC's charter or make a recommendation to the USOC Board to delete the AAA from the grievance procedures established for situations wherein an individual or group believes its NGB is not complying with one or more criteria.

(Note: In the event that an NGB is found to be in non-compliance with the guidelines and the action taken is to revoke its status as a governing body, the USOC should be empowered to assume temporary responsibility for governance of that sport.)

* * * * * *

In either of the situations described above, wherein the current franchise holder is challenged on the criteria by an organization or group that 1) seeks to obtain the franchise in that sport or 2) seeks to make the current franchise holder comply with the criteria, the USOC Board of Directors will make an initial review of the case. This is believed appropriate by the Commission since an organization should, in theory, decide who its members are and how they are structured. In the long run, once NGBs have adopted the criteria set forth in legislation, the need for the AAA will be negligible and the final decision on these matters will rest with the USOC Board.

Criteria for Potential Recipients of Grants

In the short run, it is anticipated that franchises will be challenged in only a few sports where serious organizational problems exist. In the sports where no challenge to the franchise holder presently seems likely, the guidelines will be used as eligibility criteria for awarding USOC financial grants. NGBs applying for money from the USOC would be required to meet those criteria.

NATIONAL GOVERNING BODY CRITERIA

The guidelines presented in this section have been developed to ensure that the intent of the Commission will be met by all NGBs. Several of the guidelines are identical to or are based upon criteria incorporated in earlier legislative proposals or in the present USOC Constitution. Others have resulted from the Commission's deliberations.

The guidelines do not, and of necessity cannot, preclude every situation detrimental to the administration of a particular sport. Neither are they intended to dictate one structure for all NGBs. Rather, they are designed to provide the greatest degree of representation, accountability, and autonomy within a given NGB to ensure that individuals or organizations actively involved in the sport will have the power to make all important decisions pertinent to the sport's administration and development. It is to be left to those individuals to choose the structure best suited to their sport's governance.

The Commission therefore recommends that the following guidelines be the basis for legislation. The intent of this legislation would be to make all NGBs independent, single-sport bodies consistent with the desires of the relevant international sport federations. For example, at the international level swimming, diving and water polo are all under the jurisdiction of the Fed-

eration Internationale de Natation Amateur (FINA), just as pentathlon and biathlon are under the Union International de Pentathlone Moderne et Biathlone (UIPMB). Naturally, the Commission would recommend that the domestic structure mirror the international structure in those sports, with the individual sports having as much autonomy within their NGBs as is appropriate. The Commission also recognizes that some sports may be unable to support themselves financially and administratively if required to be totally independent. In theory, however, the Commission believes that a well-structured NGB which receives funds from a national coordinated fund-raising body could support itself in the long run. In light of these considerations, the Commission recommends that the following guidelines be applied to the committee or board governing each individual sport, except in the cases of aquatics and pentathlon/biathlon where there is one international federation for each, as described above. In those instances, the board or committee governing the two or three sports should be measured against the guidelines.

The Commission anticipates that NGB compliance with these criteria will be genuine and not merely pro forma. For example, an NGB might rewrite its Constitution to provide for elected athletes' representatives to hold 20% of the votes on its Board. However, if expenses are not paid for these representatives to attend NGB Board meetings and athletes are virtually precluded from attending because of insufficient finances, then the NGBs' efforts at compliance will not be considered to have been made in good faith.

To be eligible to hold the franchise in a particular sport, to receive money grants, and as a condition for membership in the restructured USOC, a current or aspiring NGB:

CRITERION NO. 1: *Should open its membership, directly or by affiliation, on an equal basis to all individuals who are amateur athletes, coaches, trainers, officials, and administrators in the sport concerned and/or to amateur athletic organizations active in the sport.*

INTENT OF NO. 1: All individuals actively involved and all national organizations with quality programs in a sport should have the right to be members of the NGB representing the sport. However, there are difficulties of both a legal and practical nature with regard to requiring an organization or individual to join an NGB. Therefore, the approach taken here is to require national governing bodies to make reasonable provision for any constituent organization to be a member if it chooses to do so.

The Commission recognizes that at present there is a dichotomy in the way NGBs are structured. Some, like the AAU, are structured primarily to provide representation in the membership and on the governing board for individuals. Others, such as the U. S. Gymnastics Federation, are structured primarily to provide representation for organizations. Neither structure is inherently superior.

This guideline allows an NGB to structure itself in accordance with either concept. Whatever structure a governing body chooses—organizational representation, individual representation, or a combination of the two—the NGB shall afford all national constituent groups or national level organizations the opportunity to be members.

CRITERION NO. 2: *Should not have more than 20% of its voting power controlled or subject to control, directly or indirectly, by an organization or individual which holds or controls, directly or indirectly, more than 20% of the voting power in any other organization currently functioning as a national governing body.*

INTENT OF NO. 2: No one organization or individual should be able to exercise voting control over more than one NGB since this would effectively reduce the autonomy of sport governing bodies. An amateur sports organization with major sports would be allowed to have over 20% of the votes in one NGB, reflecting its contribution to the sport, but no more than 20% of the votes in any other NGB to which it belongs. A higher maximum percentage as was proposed in S.3500 was considered by the Commission, but rejected on the grounds that control of more than 20% of the votes in an NGB by any one constituent could lead to working control directly or by affiliation with other constituents.

CRITERION NO. 3: *Should be incorporated under the laws of any State or the District of Columbia, except in those instances where a corporation is the NGB for a single Olympic sport and has objectives in that sport in addition to international Olympic competition, then the committee or other entity within the corporation which governs that Olympic sport, should not be required to incorporate but should adhere to all the other criteria enumerated herein.*

INTENT OF NO. 3: Only individuals and organizations active and interested in a sport should be responsible for making decisions about its present and future management.

These constituents should have the autonomy to choose to affiliate or not to affiliate with a larger, umbrella-type organization and accept any obligations that accompany that affiliation, or to be independent.

This criterion is intended to ensure NGB autonomy, through incorporation as a separate organizational entity. Further, the Commission's position is that NGBs should be incorporated as not-for-profit, tax-exempt organizations.

The Commission recognizes that there are two Olympic sports which are governed by multipurpose organizations, these organizations holding the franchise in only one Olympic sport each. In the cases of both shooting and canoeing and kayaking, there is a committee within the designated NGB organization whose sole purpose is the development and regulation of the governed Olympic sport. It is not the intent of this Commission to force these committees to incorporate, for it has not been proven in the Commission's sports reports that such would be in the best interests of these sports. The Commission does, however, intend that these committees be given the greatest degree of independence in decision making that is administratively and financially feasible in order to ensure that peoply actively involved in the sport are making decisions for that sport.

CRITERION NO. 4: *Should be governed by a board whose members are selected without regard to race, creed, color, religion, or sex.*

INTENT OF NO. 4: This criterion provides equal opportunity for all qualified individuals to be selected for service on the boards of NGBs.

CRITERION NO. 5: *Should have as voting members at all times on its board of directors, executive committee or other governing body no fewer than two individuals who are presently or were formerly active amateur athletes in the United States in the sport concerned. These representatives must be elected by active amateur athletes who are representative of the full range of athlete interests in that sport. The voting power held by these representatives will not be less than 20% of the total voting power held in that board, committee or other governing body.*

INTENT OF NO. 5: Athletes in a sport should be represented at the highest level of policymaking in the NGB. This will provide 1) direct input of athletes' views to the board, 2) greater communication between administrators and athletes, and 3) greater accountability for board decisions.

Requiring that athlete representatives on the board be elected by active amateur athletes representing all aspects of the sport is necessary to ensure that athletes voting are qualified to elect representatives who are knowledgeable, well regarded, and in touch with the competitive world. This athlete electorate will be designated by the NGB so as to be appropriate for the sport. In some sports, such as track and field, it may be necessary to select a subset of all athletes (e.g., the Olympic team or world class ranked, or others) to vote for representatives to the board. In other sports, such as luge, it may be practical and appropriate to have all registered athletes voting.

Athlete representatives must be active competitors in the sport at the time they are elected, or must once have been an active competitor in the sport. The provision that formerly active competitors may serve as athlete representatives is included so that the slate of nominees for athlete representatives may be as comprehensive as possible and so that no individual who could make a valuable contribution by serving as an athlete representative will be overlooked merely because that person has stopped competing. The fact that currently active competitors in the sport will be electing individuals to represent them on the board will serve as a check so that no one will be elected who is out of touch with the current problems of athletes.

CRITERION NO. 6: *Should make provision for a reasonable proportion of direct or indirect representation—on its board of directors, executive committee or other governing body—of constituent groups of individuals or of national amateur athletic organizations which conduct regular national competition in the sport, provided that 1) the proportion of representation is consistent with Criterion No. 2 above, and 2) the national competition offered by such an organization is at a level of proficiency appropriate to the selection of athletes to represent the United States in international competition.*

INTENT OF NO. 6: The Commission believes that the governing board of an NGB should reflect the composition of its membership. Therefore, for federation-type NGBs which have organizations as members, the member organizations should be represented on the board. The amount of board representation for each member organization should be commensurate with the scope and level of the organization's program in the sport (so long as the provisions of Criterion No. 2 are not violated). NGBs whose membership consists

of individuals should provide reasonable board representation to all constituent groups.

CRITERION NO. 7: *Should not have as an officer any individual who is also an officer of any other NGB.*

INTENT OF NO. 7: No individual should be an officer in the administration of more than one NGB because he or she 1) would then have considerable influence over more than one sport, and 2) would not be fully responsive to the needs of any one sport. The Commission considered including in this guideline a provision that no individual could serve as a director on more than one NGB board. The reference to "director" was not included, however, on the grounds that one person could provide valuable input as a director to more than one NGB, while his/her one vote on each board wouldn't be enough to exert undue control over the NGBs. In fact, it may be desirable for more than one NGB to select experts from various sectors (financial, business, government) to serve on their boards. The Commission believes it important both to allow for and to encourage this happening.

CRITERION NO. 8: *Should expressly limit to a reasonable period the terms of office for its officers and members of its board of directors, executive committee, or other governing body, with cumulative service not to exceed ten years total.*

INTENT OF NO. 8: Individuals at these highest administrative levels should be able to serve long enough to gain familiarity with the system and to be maximally effective, but should have limited terms so as to allow for turnover, injection of new ideas and growth. Ten years would allow an individual to serve through one quadrennial as a "learning experience" and then to use that experience and knowledge in serving for one and one-half additional quadrennials.

CRITERION NO. 9: *Should provide equal opportunity for competition to all individuals eligible under applicable international amateur athletic rules and regulations, and apply these rules concerning eligibility and competition without discrimination to all athletes.*

INTENT OF NO. 9: An NGB should not discriminate against any athlete eligible under applicable international rules on the basis of age, sex, race, or creed. The right to compete is fundamental to an athlete, as discussed in the chapter on Athletes' Rights in this volume.

CRITERION NO. 10: *Should not, during its tenure as NGB, deny a request made by a sports organization or other person for its sanction for an unrestricted competition unless it reasonably determines that:*

(a) appropriate steps have not been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic events;

(b) appropriate provision has not been made for validation of records which may be established during the competition;

(c) due regard has not been given to any international amateur athletic requirements specifically applicable to the competition;

(d) the competition will not be conducted by qualified officials;

(e) proper medical supervision will not be provided for athletes who will compete;

(f) the sports organization or other person conducting the competition refuses to submit an audited or notarized financial report of the most recent similar event, if any, conducted by the organization; or

(g) it demonstrates by clear and convincing evidence that holding the competition would be detrimental to the best interests of the sport.

INTENT OF NO. 10: This criterion is intended to preclude arbitrary or capricious denial of competition sanctioned by an NGB. An NGB can only refuse to sanction an unrestricted competition for very specific reasons, pertaining to provisions for the health and welfare of the athlete, or if it is able to prove that sanctioning the competition would have detrimental effects on the development of the sport. This might include such situations as a competition being scheduled in conflict with another major competition. If an individual or group believes a pending denial is unjustified, the USOC Board of Directors may be petitioned and may take action to prevent the denial on behalf of the athletes scheduled to participate in the event.

CRITERION NO. 11: *Should not deny any eligible amateur athletes the right to compete in any unrestricted competition conducted under its auspices or that of any other sports organization, or in unrestricted competition sanctioned by another NGB, unless it can be established that the denial was based on evidence that the person or organization conducting the competition did not meet the requirements stated in Criterion No. 10 above.*

INTENT OF NO. 11: An eligible athlete should have the right to compete in any unrestricted sanctioned competition unless the NGB establishes that the meet is being administered without due regard for protection of the athlete's health and welfare. The intent is to preclude arbitrary or capricious denials.

CRITERION NO. 12: *Should provide or be capable of providing, directly or indirectly, the most effective competitive program of all organizations seeking recognition as a sport's NGB (considering such factors as varying levels of ability, age, and sex).*

INTENT OF NO. 12: Any organization chosen to be the NGB for a sport should be deserving of that position and designation. One of the most important measures of an organization's worthiness to be NGB is the effectiveness of its competitive program. Does the organization, directly or through its constituents, provide competitive opportunities for all ages, sexes, and levels of ability? Does it provide opportunities, particularly at the elite level, for international competition? Do most athletes find the competitions accessible in terms of geography, cost, schedule, etc.? An organization challenging for the franchise will, of course, be limited in the amount of international or unrestricted competition it can provide, since only the current NGB can grant a sanction for such events. A challenging organization, therefore, must be able to demonstrate it has the capability to conduct such competition.

CRITERION NO. 13: *Should undertake to develop interest and participation throughout the United States in the sport it seeks to govern and should be responsible to the individuals and organizations it represents.*

INTENT OF NO. 13: A designated NGB should also be actively encouraging interest and participation in its sport at the grass roots level—directly or through its constituent members. Without this base of participants, elite athletes will not emerge.

Ways in which the NGB might seek to fulfill this criterion include holding clinics, camps, seminars, exhibitions, or similar activities to introduce large numbers of people to the sport and attract new participants.

CRITERION NO. 14: *Should keep amateur athletes under its jurisdiction informed of policy matters being considered by the organization, and should reasonably reflect the views of these athletes in its policies.*

INTENT OF NO. 14: Athletes in a sport should have well-established channels of communication with the governing board of the sport's NGB. Athletes' views should be part of the basis upon which organizational policy is formulated, just as board discussions and decisions should be communicated to athletes.

CRITERION NO. 15: *Should establish that it is able—financially and managerially—to perform the functions of the U.S. representative to the international amateur sports federation recognized by the International Olympic Committee for the sport or sports concerned.*

INTENT OF NO. 15: An NGB should have the managerial and financial capability to plan and carry out its obligations as representative to the international federation and as the designated franchise holder for development of the sport in the United States.

RESOLUTION OF FRANCHISE DISPUTES

RESOLUTION OF FRANCHISE DISPUTES

For over fifty years, U. S. amateur sports have been plagued by acrimonious and continuous organizational disputes. A passing familiarity with the sports page has kept many individuals aware of the long-standing dispute between the Amateur Athletic Union (AAU) and the National Collegiate Athletic Association (NCAA). Less well known, however, are the reasons behind this and other seemingly endless disputes.

As the chapter in Volume II of this report entitled "U. S. Relationships with the International Sports Community" points out, each amateur sport is governed by an international federation responsible for setting policy and establishing rules of eligibility and competition for that sport. Each international federation has a designated national representative in the various countries competing in the sport. This national representative acts, in its country, as the international federation's agent and, as such, has considerable control over international competition. For example, although each international federation has its own rules, the national agent (variously referred to as the national governing body or NGB, national sport federation, franchise holder) generally exercises broad control over international competitors in its sport. The following information from the chapter entitled "U. S. Relationships with the International Sports Community" summarizes why this is so, and describes the consequences of this control: "U. S. athletes must obtain the national governing body's 'sanction' or approval to compete abroad. Obtaining such a sanction can be a difficult, if not impossible, task if the athlete or organization is not affiliated with the NGB. Similarly, the NGB must approve competitions in the U. S. involving foreign organizations."

These sanctioning disputes, as well as other jurisdictional clashes, have led to NGB franchise challenges in a number of sports. Typically, individuals displeased with the incumbent NGB's performance have banded together to form a rival organization, and have then sought to wrest the franchise away from the incumbent. Challengers for an NGB franchise quickly discover, however, that no clearcut procedure exists for filing such a claim. Although each sport is beset with its own idiosyncrasies, as a general rule each International Federation reserves to itself the final decision regarding designation of the NGB (its agent) in any particular country. Confusing the decision-making process, however, is the aversion most International Federations have to direct interference in what they view as essentially "domestic squabbles."

The experience of the U. S. Gymnastics Federation (USGF) is illuminating in this regard. USGF is presently the NGB for gymnastics in the U. S., having been awarded the franchise in 1970 after waging a lengthy campaign to replace the AAU. As Frank Bare, USGF's Executive Director explains, "I wrote to the International Gymnastics Federation in 1963 and asked the then-President, Charles Thoeni, how does an organization become the governing body for a particular sport? Not that I expected to obtain that at that time, but I wanted to know how. Mr. Thoeni wrote me back and said it was purely an internal American affair. We have a number of letters on file that state that repeatedly. And then I wrote to the then-President of the USOC, Kenneth Wilson, and he wrote me that the United States Olympic Committee had absolutely nothing to do with it; that it was up to the International Federation involved." [1]

As USGF's case illustrates, franchise disputes usually have been settled in an ad hoc manner depending not only on the sport involved but on personalities as well, including those representing the challenger, the incumbent NGB, and the international federation.

Generally speaking, recent franchise challenge disputes have involved the AAU as the incumbent NGB [2] and, as the challenging group, an NCAA-backed single-sport federation, composed of individuals disenchanted with the

[1] Public Hearings of the President's Commission on Olympic Sports, November 11, 1975, p. 4.
[2] The AAU presently serves as the NGB for eight Olympic sports: bobsled, boxing, judo, luge, swimming, track and field, weightlifting and wrestling.

AAU's leadership.[3] Created in the early 1960s, these federations have met with checkered success. Two of the four—in gymnastics and basketball—were awarded the franchise for their particular sport in the United States. In both cases this was achieved after a protracted battle with the AAU, and in each instance the decision was made by the international federation after years of equivocation and compromise.

An analysis of the franchise dispute in basketball illustrates not only the procedural difficulties involved in obtaining a franchise, but also some of the unfortunate side effects that inevitably result from such disputes.

The international governing body for basketball, the Federation Internationale de Basketball Amateur (FIBA), was formed in 1934. The AAU held the basketball franchise in the United States from the time that FIBA was formed until 1974. In the early 1960s a number of individuals and organizations, primarily in the school college community, became disenchanted with the AAU's administration of U. S. international basketball competition. School/college officials essentially believed that the AAU's administration was poor and that the school/college community was not properly represented within the AAU. In 1962, the Basketball Federation of the United States of America (BFUSA) was created. BFUSA consisted of a number of organizations concerned with basketball, such as the NCAA, National Junior College Athletic Association (NJCAA), and the National Federation of State High School Associations (NFSHSA). In fact, virtually every basketball oriented organization joined BFUSA with the exception of the AAU and the National Association of Intercollegiate Athletics (NAIA).[4]

BFUSA's ability to organize and conduct international basketball competition was greatly enhanced in 1963 when FIBA adopted a so-called "interim" agreement. Under the terms of the agreement, both BFUSA and the AAU were given authority to sanction U. S. basketball competition in the international arena. Four years later, however, FIBA revoked the "interim" agreement, reinstating the AAU as the sole sanctioning authority for U. S. international basketball competition. In retaliation "BFUSA recommended to its constituency that there be a hiatus in international competition involving BFUSA members."[5] The practical effect of the recommendation was to prevent NCAA basketball players from participating in international competition. According to the NCAA, "the AAU . . . had gone to FIBA and persuaded FIBA to suspend the international rights of the Basketball Federation (BFUSA) . . . Until there was an approved procedure set up by FIBA for international competition, we (BFUSA and the NCAA) took the position until those procedures were known and established, there would be no more international competition."[6] In other words, BFUSA's non-competition policy was designed to graphically show FIBA how weak the AAU's basketball program really was in the absence of NCAA players. However, the practical effect of all this was to deny international competitive experience to NCAA athletes.

BFUSA's non-competitive policy continued into 1969 although NCAA basketball players did compete in the 1967 Pan American Games and the 1968 Olympic Games despite the difficulties. According to BFUSA, its international hiatus proved to the FIBA Congress (meeting at the 1968 Olympics) that "the AAU had failed to discharge its responsibility to unify all basketball interests in the United States."[7] As a consequence, a five-man panel appointed by FIBA met with the various U. S. basketball groups in early 1969. The meeting resulted in the creation of a twenty-man International Basketball Board (IBB), with equal representation from the AAU and BFUSA. Ben Carnevale, the Athletic Director at New York University, was appointed President with the power to vote to break ties.[8] The IBB's purpose was to approve U. S. international competition (not involving a U. S. national team, as in the Olympic or Pan American Games) arranged and sanctioned by the AAU and BFUSA.[9] Sanctioning of U. S. national teams in international competition remained the prerogative of the international franchise holder, the AAU.[10]

During the months of 1969 when the IBB, although mandated by FIBA, was still not offi-

[3] The federations challenging the AAU have been formed by not only the NCAA, but the National Junior College Athletic Association (NJCAA), the National Federation of State High School Associations (NFSHSA), and other affiliated organizations. Further, not all present franchise controversies involve disputes between the AAU and the NCAA. As the chapters in Volume II indicate, organizational disputes unrelated to the NCAA exist in sports such as judo, luge, and volleyball.

[4] Statement of Edward Steitz, President, Basketball Federation of the United States of America (BFUSA), Hearings before the Special Subcommittee on Education, Committee on Education and Labor, House of Representatives, March-April, 1973, (hereafter referred to as March 1973 hearings) p. 81.

[5] Steitz, March 1973 hearings, p. 82.

[6] Walter Byers, Executive Director, NCAA, March 1973 hearings, p. 320.

[7] Steitz, March 1973 hearings, p. 82.

[8] Steitz, March 1973 hearings, p. 82.

[9] Steitz, March 1973 hearings, p. 82.

[10] Statement of David Rivenes, President, AAU, March 1973 hearings, p. 29.

cially functioning, BFUSA (and the NCAA) continued their prohibition against international competition. The unfortunate human consequences of BFUSA's "hiatus" occurred in this period, the summer of 1969. The Maccabiah Games, bringing together the best Jewish athletes from throughout the world, were held in Tel Aviv from July 28th to August 6th. Athletes from 26 countries participated in 22 sports during the competition. Acting in accordance with the above-described "hiatus" the NCAA Council refused to certify the basketball competition at the Maccabiah Games as a permissible form of international competition for NCAA student-athletes. Writing immediately prior to the competition, the NCAA's Executive Director enunciated the reasoning behind the prohibition: "we [evidently referring to the NCAA Council] believe this policy will persuade the AAU to participate in the IBB as FIBA intended or prompt FIBA to take further steps to correct the situation." [11]

As a result of the NCAA prohibition, a number of collegiate basketball players were effectively precluded from competing in the Maccabiah Games, including Andy Hill of UCLA, Steve Bilsky and Al Cotler of Pennsylvania, Eric Minken of Davidson and Jack Azner of Cincinnati.[12] Jack Langer, a basketball player in his junior year at Yale, was also invited to participate in the Maccabiah basketball competition. Despite the lack of NCAA certification, Yale encouraged and supported Langer's decision to participate in the Games.

After Langer competed in the Games, the Eastern College Athletic Conference (ECAC), an allied member of the NCAA, ruled Langer ineligible for further intercollegiate competition. Yale ignored the ECAC's decision and allowed Langer to participate as a member of its basketball team throughout the 1969-70 season.

Yale's position in the matter was summarized before the ECAC Executive Council:

"While the ostensible issue before the ECAC is Langer's continuing presence on the Yale basketball team, the real issue is quite different. It is whether the NCAA misuses its power, and in turn asks the ECAC to misuse its power, by punishing innocent students in an effort to bring the AAU to heel.

"Yale is convinced that the NCAA was wrong when it boycotted Maccabiah basketball for reasons unconnected with the purity or legitimacy of the Maccabiah Games. The first victims of that wrong were the students at other colleges who dropped off the Maccabiah team in the face of the NCAA threat. Now the NCAA would add Langer and his fellow students at Yale.

"This University has persistently condemned the NCAA practice of using students as pawns in the endless NCAA struggle with the AAU, but not until the Langer case has any Yale student been directly affected by an NCAA power boycott. Faced with a choice between supporting a student with a once in a lifetime opportunity to represent his country in amateur athletic competition or supporting the misuse of NCAA power, Yale chose the student." [13]

Not surprisingly, Yale's arguments fell on deaf ears. As a result of the school's failure to rule Langer ineligible, the NCAA council placed Yale on two years probation. No Yale athletes (not just basketball players) were allowed to compete in any post-season competition or NCAA championships. In addition, the University was prohibited from appearing on television for two years, thereby precluding any TV revenue from accruing to Yale.

The franchise controversy between the AAU and BFUSA continued unabated despite the formation of the IBB. Finally, after a decade of trying, with a singular lack of success, to find an internal U. S. solution to the dispute, FIBA finally reached its own judgment in 1972.

Meeting at the Munich Olympics, FIBA's Central Board determined to end the controversy by threatening to withdraw U. S. (and, necessarily, AAU) membership in FIBA. The pertinent portions of the Central Board's resolution include:

"The Amateur Athletic Union of the U.S.A. and the Basketball Federation of the U.S.A. and their constituent bodies are invited to terminate the controversy that has affected the proper conduct of international activities involving the United States of America, and this before March 31st, 1973, possibly by forming an 'Amateur Basketball Association of the U.S.A.' with membership open to all national bodies conducting an effective basketball programme in the United States of America.

"In case no agreement is reached, *the affiliation of the United States to FIBA will be auto-*

[11] Letter dated July 11, 1969, from Walter Byers to Dr. Gaylord P. Harnwell, President, University of Pennsylvania. See also the testimony of Walter Byers, Public Hearings, President's Commission on Olympic Sports, April 8, 1976, pp. 73-78.

[12] New York Times, July 28, 1969, p. 35, and PCOS staff telephone conversation on March 4, 1976, with Mr. Robert E. Rosenberg, 1969 U. S. Maccabiah Games basketball team captain.

[13] A communication dated February 5, 1970 from Henry Chauncey, Jr., Special Assistant to the President, Yale University, to the Executive Council, Eastern College Athletic Conference.

matically suspended on April 1st, 1973" [14] (emphasis added).

Shortly thereafter, the constituent members of BFUSA met, and, basing their decisions on a one vote per organization philosophy, moved to establish an Amateur Basketball Association of the U.S.A. (ABAUSA). Perhaps recognizing that it did not have the votes to maintain its control within such an organization, the AAU refused to participate.[15]

With the AAU's refusal to participate in ABAUSA, the controversy continued unabated into the summer of 1973. Finally on July 2nd of that year, R. William Jones, Secretary-General of FIBA, wrote to the U. S. Olympic Committee (USOC) and, referring to FIBA's Munich resolution mentioned above, informed the Committee that the affiliation of the U. S. to FIBA was automatically suspended, retroactive to April 1, 1973, thereby terminating the AAU's membership in FIBA. At the same time FIBA tried to ensure that international basketball competition involving the U. S. continued uninterrupted. Viewed from its perspective, FIBA turned to the most logical source, and proposed that the USOC supervise international basketball activities involving the U. S. until a new FIBA representative was selected.[16] Because the USOC's Basketball Games Committee was chaired by an AAU representative, leaders of BFUSA and ABAUSA quickly concluded that a USOC takeover of the basketball franchise simply preserved the status quo. Consequently, BFUSA and ABAUSA representatives sued the USOC, claiming that its basketball takeover, even though done at FIBA's request, exceeded the bounds of its Federal charter, Public Law 805. Public Law 805 grants the USOC authority only in connection with the Olympic and Pan American Games, and not other forms of international competition.

The situation remained muddled until the July 1974 FIBA Central Board meeting, at which time the AAU petitioned for reinstatement in FIBA. Concurrently, representatives of ABAUSA requested designation as the U. S. franchise holder for basketball.

Relying heavily on the remarks of the Secretary-General, R. William Jones, the Central Board rejected the AAU's request for reinstatement and awarded the franchise to ABAUSA. Jones actually moved that ABAUSA be accepted as FIBA's agent in the U. S., but before doing so, he offered his thoughts concerning the long-standing controversy. The Central Board minutes summarize his comments:

"The Secretary General states that this controversy has now lasted for 14 years, ever since the Rome Congress in 1960. It is his considerate opinion that the time of 'interim measures' must now come to an end. Three such interim measures have been attempted and all three have failed, foundering on the treacherous rock of 'voting powers.' When there is no real desire to cooperate in a friendly spirit, interim measures are useless and their only function is to prolong the agony. The time has come for a major surgical operation." [17]

The salient features of the franchise controversy in basketball are typical of most franchise disputes, regardless of sport, and include at least the following:

- Lengthy controversy, measured at least in years, and sometimes in decades;
- An inability of the warring factions to reach a mutually agreeable solution;
- A reluctance of the international federation to act on what it views as an essentially "domestic squabble";
- A desire on the part of the international federation to accept, and in many cases rubber-stamp, franchise recommendations by an objective and informed non-governmental domestic entity, particularly if the USOC participates in the recommendation, either directly or indirectly;
- A lack of such an objective and informed entity in the United States; and
- Harm to innocent athletes (such as Jack Langer) through the denial of competitive opportunities, as each organization uses athletes under its jurisdiction as pawns in the power struggle.

It should be noted that the Jack Langer episode was presented to illustrate an extremely unfortunate yet frequent by-product of these organizational disputes, and not to brand the NCAA as the sole, or even primary villain on athletes' rights issues. Similar abuses were inflicted by the AAU in its continuing controversy with the U. S. Wrestling Federation (USWF). USWF and the U. S. Track and Field Federation (USTFF) are the two NCAA-backed federations that have so far been unsuccessful in wresting their respective franchises from the AAU.

[14] FIBA Central Board, First Session, September 5, 1972, minutes, p. 3.

[15] Some other organizations, chief among them the National Association of Intercollegiate Athletics (NAIA) also initially refused to participate in ABAUSA.

[16] FIBA Executive Commission, June 20, 1973, p. 1.

[17] FIBA Central Board, Second Session, July 10-11, 1974, p. 8. With the FIBA franchise award in hand, representation of BFUSA and ABAUSA dropped their law suit against the USOC.

Created in 1968, USWF was aided in its efforts to compete internationally when the international wrestling federation, the Federation Internationale de Lutte Amateur (FILA) decided in 1972 to discontinue the AAU's status as NGB. The practical result of the FILA decision was that both USWF and the AAU could compete internationally, a situation similar to that existing in basketball at various times in the 1960s and 1970s.

The AAU was reinstated by FILA in 1972, primarily because of a strong USOC recommendation supporting the AAU.[18]

After the AAU's reinstatement, USWF attempted to continue the international exchanges it had begun in the 1970-72 era by seeking the AAU's sanction. For example, in a December 1972 letter from Myron Roderick, former USWF Executive Director, USWF requested the AAU's sanction of Federation exchanges with the Soviet Union, Poland, Bulgaria and Mexico. USWF never received a written reply on the Soviet exchange; Roderck was told by telephone that approval would not be forthcoming but that the Federation would not receive a written reply.[19]

Faced with this set of circumstances, USWF encouraged its wrestlers to participate (and some did so) on an AAU-organized exchange with the Soviet Union, rather than lose an opportunity to compete internationally.

The AAU acted (or failed to act) in a similar manner regarding the Federation's exchange with Poland; that is, it simply failed to respond to the sanction request. With neither approval nor disapproval forthcoming from the AAU, the Polish team and USWF proceeded with their tour in March and April of 1973. According to USWF's President, "as a result of the Polish exchange, the USWF was placed on a two-year suspension from international activity. The AAU states in an October 10, 1974 letter that FILA placed us on suspension, while FILA records say the AAU suspended the USWF."[20]

The controversy over the franchise in wrestling illustrates again certain aspects inherent in all such disputes; innocent athletes are victimized and decisions are often reluctantly reached by international federations. It is thus altogether too apparent that the competitive efforts of our athletes and sports organizations have been unnecessarily hindered for lack of an objective and informed entity to resolve such disputes domestically.

Recognizing the need for such an entity, the USOC moved in late 1974 to establish a vehicle for resolution of franchise disputes. Essentially the procedure allows a challenging group to seek binding arbitration regarding its claim before the American Arbitration Association (AAA).

The AAA is a public service, non-profit, nongovernmental organization dedicated to the resolution of disputes of all kinds. Now in its 51st year, the AAA resolved 35,156 cases in 1975. It maintains 21 regional offices throughout the country. Thirty-seven thousand volunteer arbitrators, selected on the basis of expertise and impartiality, have been chosen by the AAA from recommendations made by interested parties. An exceedingly small listing of the types of cases arbitrated by the AAA includes: Labor-management, international trade, automobile accident claim, consumer and home construction, and medical malpractice.

The USOC implemented its franchise arbitration requirement through an amendment to its Constitution.[21] The arbitration is binding on NGBs because each NGB must, of necessity, be a "Group A" member of the USOC in order to field teams in the Pan American and Olympic Games. The constitutional amendment further requires the USOC to "recommend and support in any other appropriate manner" an organization which wins an arbitration award "to the appropriate International Sports Federation for recognition by such federation as the governing body . . ."

While undoubtedly a step in the right direction, many groups, particularly the NCAA and NCAA-spawned federations, have criticized Article V for allegedly tilting the arbitration process in favor of the incumbent. The NCAA has charged, for example, that "the Group A

[18] FILA is one of a number of federations which look to the USOC for certification of the appropriate national governing body for membership in the international federation. "Federations applying for affiliation will be required to produce an affidavit from the highest sports authority in their country (National Sports Committee, Olympic Committee) stating that they are the only associations *recognized as controlling amateur wrestling.*" (FILA Constitution, Article 5, *1972 FILA Handbook*, p. 3. Emphasis in original.) For further background on FILA's 1972 reinstatement of the AAU, see the chapter on the sport of wrestling in Volume II of this report.

[19] Ken Kraft, President, U. S. Wrestling Federation, Public Hearings, President's Commission on Olympic Sports, April 9, 1976, p. 146.

[20] Ken Kraft, President, U. S. Wrestling Federation, Public Hearings, President's Commission on Olympic Sports, April 9, 1976, p. 148.

[21] The arbitration procedure is described in Article V of the USOC's Constitution (pp. 12-13 of the USOC's handbook containing its Constitution, Bylaws and General Rules).

arbitration provisions adopted at Orlando contain *specific provision* by which an existing Group A member may totally emasculate the arbitration process, thus assuring its continued Group A membership regardless of its qualifications." [22] (Emphasis in original.)

The particular source of irritation for the NCAA and its supporters is contained in Article V (d): "If the Group A member challenged in the arbitration proceeding is in default in the performance of any of its obligations under Article III, Section 3, herein, it shall not be denied its international membership if it agrees to fulfill those obligations within a reasonable period." The U. S. Gymnastics Federation strongly opposed this "saving clause" and sued the USOC, challenging the validity of this and other constitutional amendments made at the Committee's 1974 convention. The issue of whether the previously described arbitration procedure was validly adopted has yet to be judicially resolved. For this and perhaps other reasons, the USOC's franchise arbitration mechanism has yet to be employed.

A number of NCAA criticisms regarding the USOC's arbitration procedure appear to be without merit. For example, the NCAA and its supporters object to the fact that the challenging party has the burden of persuading the arbitrators that it can perform better than the incumbent franchise holder, rather than placing them both on an equal footing. The Commission believes however, that if no substantive improvement will occur in a sport, sound public policy argues against what would be, at best, perfunctory change, particularly in light of the fact that the challenging party traditionally has the burden of persuasion in any dispute.

The "saving clause" does, however, present substantial difficulties in interpretation, as well as tilting the procedure in favor of the incumbent. For example, the quoted language does not clearly indicate whether a challenged incumbent must always be given a second chance, or whether, under certain circumstances, the franchise could be transferred immediately following an arbitration proceeding. Further, assuming a second chance need not be given the incumbent, it is equally unclear as to who makes such a decision, the arbitrators or the USOC. In addition to these criticisms, it should also be noted that the present arbitration mechanism, having been created by the USOC, can likewise be eliminated by that organization at any time, simply by repealing the recently enacted amendment.

As organizational disputes continue to fester, other attempts have been made recently to establish an objective franchise challenge mechanism in this country. Perhaps the most famous was the Amateur Athletic Act of 1974, also known as S.3500 or the Pearson Bill. S.3500 passed the Senate by a wide margin (62 to 29) in the summer of 1974, but died in committee in the House of Representatives. Essentially S.3500 would have established a permanent, Presidentially-appointed, five-member amateur sports board designed, among other things, to review and decide franchise challenge disputes.

Although supported by the NCAA, other school/college athletic associations, other sports organizations and many athletes, S.3500 aroused substantial opposition in the national and international sports community. Speaking for the International Olympic Committee, its President, Lord Killanin, stated that "the U. S. would risk putting itself not only out of the Olympic movement, but also out of the international federations." [23] The vast majority of the international federations also voiced their opposition to S.3500 at the June 1974 meeting of the General Assembly of International Federations (GAIF).[24]

Similarly, the USOC fervently opposed S.3500's concept of empowering a Presidentially-appointed Board to decide franchise challenges: "The United States Olympic Committee . . . objects to the provisions of S.3500 because it grants to a federal bureaucracy the absolute control of international competition in amateur sports on the Olympic and Pan American Games programs . . . The enactiment of S.3500 jeopardizes the right and opportunity of all qualified U. S. amateur athletes to compete in the Olympic and Pan American Games." [25]

While it is conceivable that these various organizations are bluffing, the question is whether the United States should risk potential suspension from certain international sports competitions by establishing a government operated franchise review board. (See also the chapter in Volume II entitled "U. S. Relationships with the International Sports Community.") As long as a non-governmental entity exists, equally able

[22] Letter dated February 7, 1975 from Walter Byers, Executive Director, NCAA, to the Honorable William E. Simon, Secretary of the Treasury, and former National Fundraising Chairman of the USOC.

[23] Lord Killanin, interview, ABC-TV, "Issues and Answers," February 21, 1974, referenced in 8 *Vanderbilt Journal of Transnational Law*, 843-44 (1975).

[24] Charles Palmer, President of the International Judo Federation has said that 23 of the 26 federations opposed the bill. PCOS staff interview, July 28, 1976, Montreal, Canada.

[25] Paper accompanying letter by Philip O. Krumm, President, and F. Don Miller, Executive Director, USOC, dated September 13, 1974, to Congressman James G. O'Hara, pp. 1-2.

to accomplish the same worthwhile and necessary goals, the Commission believes the answer should be no. The Commission is firmly of the opinion that the AAA represents an appropriate non-governmental entity. Employing the AAA as a mechanism to resolve franchise disputes has met with virtually no criticism. It will be recalled that the NCAA's opposition to the USOC's arbitration procedure centered on the criteria for making the franchise award, in particular the "saving clause," but found no fault with binding arbitration by the AAA. In fact, the NCAA has voiced support for such franchise dispute resolution through binding arbitration.[36]

The USOC's position favoring the AAA for franchise resolution appears to be beyond question in view of its constitutional amendment discussed earlier. At the time the amendment was passed, the AAU and every major sports organization in the U. S., with the exception of the NCAA, was a voting member of the U. S. Olympic Committee.

With such widespread support for the AAA, the Commission strongly recommends to the Congress that the USOC's Federal corporate charter (P.L. 805, codified at 36 USC 371-383) be amended to require binding arbitration of franchise challenge disputes. The Commission believes that such an amendment would be enthusiastically received by the amateur sports community and could be enacted in legislation shortly after the 95th Congress convenes. (A draft amendment is included as an appendix to this volume.)

Of course, the USOC's Board of Directors would still be authorized to determine its Group A membership internally whenever possible. As an initial step, an organization seeking such membership would be required to submit the request in writing to the USOC's Board of Directors. The Board could, if desired by the applicant, receive written statements, affidavits and briefs from both the applicant and the incumbent, but no hearings would be held. Employing the criteria to be described later in this chapter, the Board would be required to reach a decision within 30 days of receipt of the request.

After announcement of the Board's decision, the losing party could proceed to arbitration, as discussed below. Similarly, the applicant could proceed to arbitration if the Board failed to reach a decision within the allotted 30 days.

The USOC Board of Directors and the AAA could also play a similar role in resolving disputes in which the complaining party seeks not to acquire the franchise, but only to correct a deficiency in a particular NGB. The procedure to be followed by the Board in such situations is discussed in the chapter in this volume on "Vertically Integrated Organizational Structure for National Governing Bodies."

The procedure followed in a franchise challenge case would, for the most part, follow the commercial arbitration rules of the AAA. Any organization seeking to challenge an incumbent NGB would be free to do so in the one-year period after the end of the summer Olympic Games. The first year after passage of the amendment to the USOC's charter would be treated in the same manner as the period after the summer Olympic Games. In an effort to provide continuity in our country's Olympic movement, franchise challenges would be prohibited for the one-year period immediately preceding the summer Olympic Games. During the middle two years of the quadrennial franchise challenges could be entertained, but the challenging party first would be required to establish that the situation in the contested sport had materially changed from the one-year period immediately following the summer Olympic Games.[37]

After a demand for arbitration has been filed, lists of prospective arbitrators will be mailed by the AAA to the parties involved. The various organizations involved in amateur athletics (not just the parties to a particular arbitration) such as the USOC, NCAA, AAU, NGBs and other national sports associations, will be afforded an opportunity to forward recommended arbitrators to the AAA for its approval.

The demand for arbitration can be filed at any regional office of the AAA. Following the commercial rules of the AAA, the arbitration hearing will be held at a site mutually agreed on by the parties. Failing agreement, the AAA shall select the location and its decision will be binding.

The AAA would, of course, be empowered to settle such disputes at any time prior to the issuance of a final award if such settlement were mutually agreed upon by the contending parties. Otherwise, the dispute should proceed to an arbitration hearing within 60 days after filing of the demand, and should be heard before a panel of not less than three arbitrators (unless the parties agree to a smaller panel).

The arbitrators should employ the following criteria in reaching their decision. The chal-

[36] Letter from Walter Byers, Executive Director, NCAA, to Gerald Zornow, Chairman, President's Commission on Olympic Sports, dated April 6, 1976.

[37] The recommended legislation may or may not affect the present quadrennial, depending upon the length of time required by Congress to effect implementation.

lenging organization should receive the arbitrators' award if it establishes by a preponderence of the evidence that it more completely meets the criteria in comparison with the existing governing body. (The rationale behind the criteria is more fully developed in the chapter in this volume entitled "Vertically Integrated Organizational Structure for National Governing Bodies.")

CRITERION NO. 1: Should open its membership, directly or by affiliation, on an equal basis to all individuals who are amateur athletes, coaches, trainers, officials, and administrators in the sport concerned, and/or to amateur athletic organizations active in the sport.

CRITERION NO. 2: Should not have more than 20% of its voting power controlled or subject to control, directly or indirectly, by an organization or individual which holds or controls, directly or indirectly, more than 20% of the voting power in any other organization currently functioning as a national governing body.

CRITERION NO. 3: Should be incorporated under the laws of any State or the District of Columbia, except in those instances where a corporation is the NGB for a single Olympic sport and has objectives in that sport in addition to international Olympic competition, then the committee or other entity within the corporation which governs that Olympic sport, should not be required to incorporate but should adhere to all the other criteria enumerated herein.

CRITERION NO. 4: Should be governed by a board whose members are selected without regard to race, creed, color, religion, or sex.

CRITERION NO. 5: Should have as voting members at all times on its board of directors, executive committee or other governing body no fewer than two individuals who are presently or were formerly active amateur athletes in the United States in the sport concerned. These representatives must be elected by active amateur athletes who are representative of the full range of athlete interests in that sport. The voting power held by these representatives will not be less than 20% of the total voting power held in that board, committee or other governing body.

CRITERION NO. 6: Should make provision for a reasonable proportion of direct or indirect representation—on its board of directors, executive committee or other governing body—of constituent groups of individuals or of national amateur athletic organizations which conduct regular national competition in the sport, provided that 1) the proportion of representation is consistent with Criterion No. 2 above, and 2) the national competition offered by such an organization is at a level of proficiency appropriate to the selection of athletes to represent the United States in international competition.

CRITERION NO. 7: Should not have as an officer any individual who is also an officer of any other national governing body.

CRITERION NO. 8: Should expressly limit to a reasonable period the terms of office for its officers and members of its board of directors, executive committee, or other governing body, with cumulative service not to exceed ten years total.

CRITERION NO. 9: Should provide equal opportunity for competition to all individuals eligible under applicable international amateur athletic rules and regulations, and apply these rules concerning eligibility and competition without discrimination to all athletes.

CRITERION NO. 10: Should not, during its tenure as NGB, deny a request made by a sports organization or other person for its sanction for an unrestricted competition unless it reasonably determines that:

(a) Appropriate steps have not been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic events;

(b) Appropriate provision has not been made for validation of records which may be established during the competition;

(c) Due regard has not been given to any international amateur athletic requirements specifically applicable to the competition;

(d) The competition will not be conducted by qualified officials;

(e) Proper medical supervision will not be provided for athletes who will compete;

(f) The sports organization or other person conducting the competition refuses to submit an audited or notarized financial report of the most recent, similar event, if any, conducted by the organization; or

(g) It demonstrates by clear and convincing evidence that holding the competition would be detrimental to the best interests of the sport.

CRITERION NO. 11: Should not deny any eligible amateur athletes the right to compete in

any unrestricted competition conducted under its auspices or that of any other sports organization; or in unrestricted competition sanctioned by another national governing body, unless it can be established that the denial was based on evidence that the person or organization conducting the competition did not meet the requirements stated in Criterion No. 10 above.

CRITERION NO. 12: Should provide or be capable of providing, directly or indirectly, the most effective competitive program of all organizations seeking recognition as a sport's national governing body (considering such factors as varying levels of ability, age and sex).

CRITERION NO. 13: Should undertake to develop interest and participation throughout the United States in the sport it seeks to govern and should be responsible to the individuals and organizations it represents.

CRITERION NO. 14: Should keep amateur athletes under its jurisdiction informed of policy matters being considered by the organization, and should reasonably reflect the views of these athletes in its policies.

CRITERION NO. 15: Should establish that it is able—financially and managerially—to perform the functions of the U. S. representative to the international amateur sports federation recognized by the International Olympic Committee for the sport or sports concerned.

In reaching their decision, the arbitrators would be empowered to issue a provisional award if the following conditions exist:

- One of the parties, when measured against the above-listed criteria, was superior to the other;
- The superior party was deficient in a particular and specific area;
- The deficiency, in the opinion of the arbitrators, could be cured in a reasonable time, not to exceed 60 days;
- Upon a finding by the arbitrators that all of the above three conditions existed, a provisional award could be issued to the superior party, designating the particular deficiency. The USOC would be required to determine whether or not the deficiency had been cured in the allotted time. In the absence of a proper cure within the requisite time, the losing party at the initial arbitration could file a demand for a second arbitration hearing, which would proceed without the possibility of a provisional award being rendered.

As with other arbitration proceedings, the losing party could seek judicial relief, but, based on past judicial precedent regarding arbitration decisions, the only grounds for judicially reversing the award would be: fraud, a clearly erroneous decision (meaning that there was no basis in fact for the award), or a finding that the arbitrators had no jurisdiction to decide the case. In this regard, it is significant to note that less than two per cent of all cases arbitrated by the AAA end up in court, and an extremely small percentage of that two per cent are reversed.

In the event the arbitrators decide in favor of the challenging party, the USOC would be required within 60 days of the decision first, to accept that party immediately as the Group A member of the USOC for the sport concerned; and second, to use its best efforts to obtain recognition of the challenger by the appropriate international sport federation. It is contemplated that such efforts would include, but would not be limited to the following:

- Notifying the appropriate international federation of the USOC's intention to replace the incumbent NGB with the challenging party as the Group A member in the USOC for the sport in question;
- Introducing the challenging party to the appropriate international federation as the new USOC Group A member for the particular sport; and
- Recommending and urging the challenging party's acceptance by the international federation as its member in the United States for the sport in question.

The Commission understands that amateur athletics, like any other form of human endeavor, will never be totally free of dispute and controversy. Nevertheless, we strongly believe that if Congress implements the above-described recommendations, organizational disputes will be, if not eliminated, at least resolved in a fair, equitable and rapid manner. Given the acceptability of the AAA to the sports community at large, we believe that our recommendations can be swiftly implemented, thereby greatly benefiting amateur athletics in the United States.

ATHLETES' RIGHTS

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Other portions of the Commission's report have dealt with a variety of subjects – funding amateur athletics, resolving franchise disputes, strengthening and improving national governing bodies (NGBs) – yet in the most fundamental sense, these concepts revolve around a solitary figure: the athlete. Not infrequently, investigations into amateur athletics tend to overlook the lonely individual working out at the crack of dawn or at night after work. An athlete's training, of course, is designed with one primary purpose in mind – to better his competitive performance. By definition then, an athlete is one who competes against any combination of opponents: his own standards, the clock, other athletes, to name just a few.

Far too often, however, athletes have been denied the essence of being an athlete – the right to compete. A variety of factors such as prior commitments, financial constraints, and injuries can prevent an athlete from competing. These largely uncontrollable factors are not, however, the subject of this section's inquiry. Rather, the Commission intends to detail herein denials of competitive opportunities by the very institutions ostensibly designed to serve the athlete – the various amateur athletic organizations. Competition denials have resulted from the actions of all types of organizations: national governing bodies, particularly the Amateur Athletic Union (AAU); the National Collegiate Athletic Association (NCAA); and numerous state high school associations. Although denials of athletes' rights are troubling regardless of the level of competition, the misfortune is magnified at the elite and international level. It is difficult to contemplate a governmental boycott in the U. S. similar to the national policies dictating withdrawal of the African countries from the 1976 Olympic Games. Nonetheless, American athletes frequently have been either penalized for competing internationally or prevented, by various threats, from so competing.

To cite a few examples:

– Bart Conner, a high school gymnast, won a Gold and two Bronze Medals for the United States in the 1975 Pan American Games. Upon returning to school, the Illinois High School Association ruled Conner ineligible for further interscholastic competition.

– The United States Wrestling Federation (USWF) requested a sanction for their competitions with the Polish wrestling team in 1973. The NGB for wrestling, the AAU, never responded to the sanction request for the initial competition. After many unsuccessful attempts to receive a decision one way or the other from the AAU, USWF proceeded with the competition. The AAU then suspended USWF from international competition for two years, preventing wrestlers seeking to represent USWF internationally from so doing for that period.

– Fred Samara and Dennis Walker, two NCAA athletes, represented the United States in the AAU-sponsored USA-USSR dual track meet in 1973. According to the NCAA, the meet was not properly certified. As a result, the athletes' schools were forced, under threat of institutional penalties from the NCAA, to rule the athletes ineligible.

– Tim Guelker, a high school soccer player, was selected to the U. S. team for the recently held CONCACAF Confederación Norte-Centroamericana y del Caribe de Fútbol tournament. The tournament represented a qualifying event for the World Youth Soccer Championship to be held in mid-1977. After competing for the U. S. team, Guelker was declared ineligible for further interscholastic competition by the Missouri State High School Activities Association, despite the fact the Guelker's own high school enthusiastically endorsed his participation.

– The Western Collegiate Hockey Association (WCHA), collegiate hockey's most prestigious conference, has recently incorrectly interpreted its own rules to prevent collegiate hockey players from participating on the U. S. team in the World Junior Championship. The championship tournament was

held in Czechoslovakia between December 22, 1976, and January 1, 1977. The NCAA, recognizing the nature of the team and tournament, waived its prohibition (Constitution 3-9-(d)) against in-season, non-school team participation. However, WCHA, an affiliated conference of the NCAA, refused to allow players under its jurisdiction to compete in the tournament. Citing Article III 2C of its Articles of Agreement, WCHA threatened its players with loss of eligibility if they participated. The rule relied upon by WCHA, however, states that "if a player competes as a member of another team without having prior specific approval by the Executive Committee for such *post-season competition, between the last game of his team and the end of the current academic year*, he shall lose one year of eligibility."[1] (Emphasis added.) It can hardly be argued that the World Junior tournament constitues impermissible post-season competition, since the WCHA regular season does not end until mid-March.

At least two points emerge from the above-mentioned examples. First, no single sports organization has a monopoly on either virtue or evil in the area of athletes' rights. Second, the abuses are continuing unabated; two of the cases mentioned have occurred within the past year.

Why have sports organizations found it necessary to deny competitive opportunities to athletes? Although each denial has its own characteristics, certain general patterns have emerged. Typically, the AAU has denied, or threatened to deny, an athlete's right to compete because he or she is affiliated with a rival organization. The Commission has received testimony from the U. S. Track and Field Federation (USTFF) and the U. S. Wrestling Federation (USWF), each of which has alleged that the AAU has prevented its athletes from competing internationally. Problems arise here because the AAU, as the incumbent NGB, seeks to maintain its status, and therefore refuses to publicize, or enhance the vitality of, a challenging group by sanctioning the group's international competition.

For example, Don Canham, the President of USTFF has testified that "the Track and Field Federation could bring teams from all over the world here. We've got every main coach in the business in the Track and Field Federation. We can pick up the phone and get a team from Finland, but the AAU will not invite the team from Finland, because we [the USTFF] initiated the invitation. Now that may sound ridiculous, but I can document a case in point, and not once, but a hundred times."[2] As to the reasons for sanction denials by the AAU, Canham commented "they always find some excuse or reason."[3]

The AAU takes the position that rules of the International Amateur Athletic Federation (IAAF), world governing body for track and field, require the NGB to clear all international competition invitations. As developed more extensively in the Volume II chapter on Track and Field, it is the Commission's considered opinion that the AAU's interpretation of the international "invitation" rule is unnecessarily broad and largely self-serving. Thus, the sanction—or, more accurately, the denial thereof—is often used to prevent competition, both international athletic competition and competition for the particular incumbent's franchise.

As is the case with NGBs, educational athletic associations use their rules to restrict athletes' international competition primarily as a weapon in disputes with other athletic organizations. For example, as discussed in the chapter in this volume on Resolution of Franchise Disputes, the NCAA's refusal to certify the basketball competition in the 1969 Maccabiah Games (which bring together the world's best Jewish athletes in a number of sports) was really part of a larger strategy to wrest the basketball franchise from the AAU.

In refusing to certify this competition, the NCAA invoked its prohibition (presently 3-9-(c) of the NCAA Constitution) against organized, non-collegiate basketball competition. Although the prohibition was initially implemented to combat gambling influences on NCAA athletes in the summer leagues, the NCAA never contended that the 1969 Maccabiah Games were subject to gambling influences. Competition in fencing, soccer, and track and field at the 1969 Games received NCAA sanction easily and, moreover, the NCAA allowed its basketball players to participate in both the immediately prior (1965) and the immediately subsequent (1973) Maccabiah Games.

The NCAA chose to use rule 3-9-(c) in the 1969 Games as a tool to embarrass the AAU by forcing it to compete internationally without NCAA basketball players. The strategy sought to, and did, convince the international basketball federation (FIBA) to transfer the U. S. basketball franchise from the AAU to an NCAA-backed federation.

[1] Western Collegiate Hockey Association, 1975-76 Articles of Agreement/Code of Regulations, p. 7.

[2] Public Hearings of the President's Commission on Olympic Sports, April 8, 1976, p. 119.

[3] Public Hearings of the President's Commission on Olympic Sports, April 8, 1976, p. 119.

Although the NCAA's policy was ultimately successful, immediate consequences for the athlete were severe. A number of collegiate basketball players were effectively precluded from participating in the Maccabiah Games; but Jack Langer, a student at Yale University, received his school's permission to compete, based at least in part on the Games' international stature. Langer's participation and Yale's subsequent failure to rule him ineligible for future intercollegiate competition, resulted in stiff penalties for the university and all its athletes. The NCAA Council placed Yale on two years probation; no Yale athletes (not just basketball players) were allowed to compete in any postseason competitions or NCAA Championships, and the university's sports teams were prohibited from appearing on television for two years.

The case of Fred Samara and Dennis Walker, mentioned above, illustrates one of the unfortunate ironies of amateur athletics; that is, that organizations and rules which purport to serve the athlete often accomplish just the reverse, sometimes in the most picayune of ways. Samara and Walker both participated on the U. S. track and field team in the 1973 dual meet with the Soviet Union. The meet was sponsored by the NGB for track and field, the AAU. In competition prior to the meet, eight NCAA athletes (including Samara and Walker) had been chosen to represent the United States. Shortly before the meet occurred, the NCAA warned that student-athletes would be penalized for participating unless the AAU requested and received certification for the meet, in accordance with the NCAA's Bylaw 2-4. The NCAA's position, both before and after the meet, was that if certification had been requested, it would have been routinely granted.[4] The AAU, on the other hand, argued first that NCAA certification was neither necessary nor appropriate because the meet was international as opposed to domestic[5]; and second, that eleven NCAA athletes had participated in the USA-USSR track meet the year before even though no certification had been requested by the AAU, and no penalties had been imposed by the NCAA[6] (this although Bylaw 2-4 had been in effect since 1965).

Despite the NCAA-AAU conflict, the meet occurred as scheduled. Six of the eight NCAA athletes[7] did not compete under threat of NCAA penalties; Samara and Walker were subsequently ruled ineligible because of their participation.

Two salient questions emerge from examination of this case: First, why did the NCAA demand certification in 1973 when it made no such requirement in 1972? Second, why didn't the AAU request certification after the NCAA made it clear that it would be required? The NCAA argues that Bylaw 2-4 is "designed to require the meet management to conduct the competition properly,"[8] in itself a laudable intent. Nevertheless, the question that remains is why the rule was not enforced in 1972 as well as in 1973.

The effects of such petty squabbling are of real concern to this Commission. If this internecine warfare resulted only in injured pride or wounded feelings on the part of sports administrators, the Commission would perhaps be inclined to look the other way. Yet, as illustrated, this is not the case. Eight world-class athletes were either prevented from, or penalized for, representing the United States in elite international competition—for no good reason. The Commission firmly believes that implementation of the franchise challenge mechanism and the national governing body criteria, both discussed in other chapters of this volume, will substantially reduce such abuses of athletes' rights. However, in order to ensure that competitive denials on the international level are eliminated and not just reduced, additional legislation is required, as will be discussed later in this chapter.

Although the above-described abuses of athletes' rights typically occur because of organizational disputes of one sort or another, competition denials by the various state high school associations are grounded on a slightly different basis. As discussed in the Volume II chapter on the National Federation of State High School Associations, there are a myriad of high school association rules restricting both scholastic and non-scholastic competition. Some of the rules are exceedingly trivial. For example, the tuba-playing track star in Kansas can't run for his team if his school's ensemble participates in the state music festival on the same day as the track meet. The various regulations restricting competition appear to be based on the *in loco parentis* doctrine; that is, that the high school association is obligated—and entitled—to make

[4] Statement of Walter Byers, Executive Director, NCAA, at Hearings before the Special Subcommittee on Education of the Committee on Education and Labor, House of Representatives, March-April, 1973, pp. 302-303.
[5] Richmond *Times Dispatch*, March 13, 1973, B-7.
[6] Richmond *Times Dispatch*, March 13, 1973, B-7; letter dated June 12, 1973, from Ollan C. Cassell, Executive Director, AAU, to Arthur J. Bergstrom, Secretary, NCAA Extra Events Committee, in Hearings before the Committee on Commerce, United States Senate, May, 1973, p. 285.
[7] Including three—Rod Milburn, Jesse Stuart and Chris Dunn—who competed for the United States in the 1972 meet.
[8] NCAA response to the President's Commission on Olympic Sports Questionnaire, question number 10.

decisions not only for the athlete, but for his parents and school as well. The rules restricting international competition, as in the Bart Conner and Tim Guelker cases mentioned earlier, are part and parcel of an entire panoply of restrictive regulations.

Current law in the field of athletes' rights is rather confused. No statutory basis presently exists guaranteeing an athlete the right to compete; consequently, national governing bodies, by virtue of their status as private associations, generally have been immune from legal action. On the other hand, approximately half of the NCAA's member institutions are state-supported. The involvement of these public institutions in NCAA affairs has been deemed by numerous courts to be sufficiently extensive to constitute "substantial government involvement" in what would otherwise be a private voluntary association. Because of this "substantial government involvement," the courts have held that the NCAA's activities amount to "state action" and thus are subject to review under the equal protection clause of the Fourteenth Amendment. In most cases, however, the NCAA need only show that the rule in question bears a reasonable relationship to legitimate Association goals. No clear pattern emerges from an examination of the case law involving the various state high school associations. Some courts have classified high school federations in the same manner as national governing bodies; that is, they are treated as private, voluntary associations. Other courts, however, have held acts by some state high school associations to be "state action" for Fourteenth Amendment purposes. Such a holding of "state action" opens up the judicial door to the complaining athlete; but, as with the NCAA, the state high school association usually need only establish that the challenged rule bears a reasonable relationship to a legitimate association purpose.

During the course of its study, the Commission examined several legislative or quasi-legislative efforts designed to strengthen an athlete's right to compete. One such effort was the Amateur Athletic Act of 1974 (also known as S.3500 or the Pearson Bill), an omnibus piece of proposed sports legislation which received strong support from portions of the sports community. Although never enacted into law, several parts of the Act were designed to protect the athlete from arbitrary or capricious denials of his right to compete. The Act defined two types of amateur athletic activity: unrestricted competition and restricted competition. Unrestricted competition was defined as "any international competition, plus any domestic competition directly related to qualifying amateur athletes for international competition, including but not limited to, national championships or Olympic Trials, in which all eligible amateur athletes may participate." Restricted competition was defined as "any amateur athletic competition which is restricted to a specific class of amateur athletes, including, but not limited to, high school athletes, college athletes, and members of the armed forces, or any other such group."

Although leaving restricted competition untouched in the legislation, the Act generally would have protected an athlete's right to compete in unrestricted competition through the power of Congress to regulate international and interstate commerce (Article I, Section 8, United States Constitution). A significant feature of the Act was that, through appropriate enforcement provisions, it would have recognized for the first time an athlete's right to participate in unrestricted competition. It bears noting, however, that the Act also carved out a large exemption for educational athletic associations, whereby organizations such as the NCAA, NJCAA, NAIA, AIAW, and the various state high school associations would have been generally immune from the Act's enforcement provisions. While the Commission believes that the Act's provisions represented a valuable step in the right direction, additional steps, as will be discussed, must be taken as well.

Another effort designed to protect the right of an athlete to compete is an amendment[9] adopted by the U. S. Olympic Committee at its 1974 convention.

The amendment generally provides for binding arbitration before the American Arbitration Association (AAA) of disputes involving an athlete's right to compete. The amendment has some beneficial features, including a provision for dispute resolution on 48 hours notice "to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties." The arbitration process has been employed on several occasions since its creation, and most of those involved in the proceedings have considered them to be fair, equitable, and efficient. Nevertheless, the athletes' rights amendment has not been without criticism.

One shortcoming, over which the USOC has little control, is that the amendment cannot be enforced against non-USOC members, such as the NCAA. Another is that the amendment has no permanency; that is, the USOC membership

[9] Article II, Sections 6 and 7, U. S. Olympic Committee Constitution.

can alter or repeal the amendment at will. Such would not be the case, of course, if a similar athletes' rights provision were enacted into law by Congress, rather than merely existing within the USOC's own Constitution.

Third, the amendment's "notwithstanding" clause has been roundly criticized, primarily by the athletes themselves. According to this clause, "any member of the [USOC] or of any university, college, high school, or other educational institution" may deny an athlete the right to compete if "it is determined that such activity would violate applicable amateur athletic rules or would unreasonably interfere with the individual's academic or athletic interests." The USOC agrees to abide by this decision, which must be made "after an appropriate hearing." Questions raised by the "notwithstanding" clause include: who determines whether the competition in question "violates applicable amateur athletic rules," or "unreasonably interferes with the individual's academic or athletic interests"; can the American Arbitration Association review such determinations? If the last question is answered affirmatively, what is the standard for such review?

Despite the many valid criticisms, the Commission believes that the USOC's athletes' rights amendment, like the Amateur Athletic Act of 1974, is a worthwhile step forward for the athlete. The Commission is particularly impressed by the general principle of binding arbitration regarding athletes' rights disputes, and has incorporated that principle into its recommended draft legislation.

In fact, in order to achieve what we consider to be an extremely important goal, that is, protecting an athlete's right to participate in unrestricted competition, the Commission recommends passage of two pieces of legislation. The first, to be discussed in more detail momentarily, constitutes substantive legislation similar in many respects to the Amateur Athletic Act of 1974. The second piece of legislation is simply an amendment to Public Law 805, the USOC Charter, allowing an athlete to seek relief, against Group A members of the USOC, before the American Arbitration Association. Both pieces of draft legislation are included as an Appendix to this Volume.

The substantive legislation, entitled, "An Act to Protect an Athlete's Right to Participate in Unrestricted Competition," would, as the title implies, affect a very small but elite portion of amateur athletic activity, i.e., unrestricted competition. Essentially, unrestricted competition encompasses only two forms of activity: international competition and those forms of domestic competition such as some (but not all) national championships, and Olympic trials *directly related to* qualifying athletes for international competition.

Although not recommending legislation to affect most forms of domestic competition, nor any form of restricted and closed competition, the Commission wishes to emphasize its concern over certain aspects of such activity. In particular, the Commission believes that the Executive and/or the Congress may wish to examine closely at least the more restrictive high school association rules and regulations discussed in the Volume II chapter on the National Federation of State High School Associations, with a view toward determining their continuing necessity.

The important services performed by national governing bodies would continue under the proposed legislation. NGBs would be permitted to prevent athletes from participating in unrestricted competition if it were reasonably determined that any of the following conditions existed:

1. Appropriate steps had not been taken to protect the amateur status of athletes taking part and to protect their eligibility to participate in amateur competition in the United States and in international amateur athletic competition;
2. Appropriate provisions had not been made for validation of records which may be established during the competition;
3. Due regard had not been given to any international amateur athletic requirements specifically applicable to the competition;
4. The competition would not be conducted by qualified officials;
5. Proper medical supervision had not been provided for athletes who would compete;
6. The sports organization or other person conducting the competition refused to submit an audited or notarized financial report of the most recent past event; or
7. It can be demonstrated by clear and convincing evidence that holding the competition would be detrimental to the best interests of the sport.

In order to guard against arbitrary and capricious denials, the court or arbiters hearing a particular case would be empowered to evaluate the reasonableness of an organization's deter-

mination in light of the conditions mentioned above.

The Commission is well aware of potential scheduling conflicts between unrestricted events and restricted events, particularly scholastic sports activities, and strongly believes that such scholastic activities should be protected. However, the Commission is also firmly of the opinion that the particular educational institution at which an athlete is enrolled is in the best possible position to make such an evaluation. Moreoever, the Commission believes that the athlete's school is also in the best position to determine when an athlete's desire to participate in unrestricted competition must yield to his educational welfare. Consequently, the Commission's proposed legislation would condone "a university, high school, or other educational institution" prohibiting an athlete from participating in unrestricted competition if such denial is designed "(1) to promote the educational welfare of amateur athletes who are students at such institution or, (2) to maintain and protect established sports programs during the regular season for each particular sport at such institution."[10]

The Commission's position in this regard is not without precedent. The National Association of Intercollegiate Athletics (NAIA), with some 550 member institutions, permits without exception "international competition for individuals . . . or institutional teams," if approved by the individual institution.[11]

The Commission is firmly convinced that school administrators at, say, NCAA member institutions, are as capable of making reasonable determinations regarding unrestricted competition as are their NAIA counterparts and wishes to reemphasize two points concerning this particular aspect of the legislation. First, the subject matter of the legislation is extremely narrow, concerning as it does only unrestricted competition, a small portion indeed of the total amateur athletic activity in the United States. Second, although sports organizations such as the NCAA, NJCAA, and high school associations are eminently qualified to advise their members, logic compels the Commission to conclude that an athlete's particular educational institution is best able to evaluate the effect the competition would have on the athlete's educational welfare or the school's sports program.

The Commission assumes that the NCAA, for example, will play an invaluable advisory role to the particular institution during the school's decision-making process regarding unrestricted competition. An educational athletic association could even be employed to enforce a member institution's decision on an athletes' rights issue. In the final analysis, however, the Commission believes that decisions affecting particular athletes can best be made by local administrators at the specific institution involved.

Actions to prevent violations of the proposed legislation may be brought by the aggrieved athlete himself or, on behalf of the athlete, by the U. S. Olympic Committee or by any national governing body or sports organization of which the athlete, his coach, or his institution is a member, or with which they are affiliated. The substantive legislation provides, as alternative forums for dispute resolution, either the court system or binding arbitration before the American Arbitration Association (AAA). Inasmuch as the U. S. Olympic Committee's use of the AAA for athletes' rights issues has been largely successful, the Commission recommends that Public Law 805 be amended to require AAA resolution for any case involving Group A members of the USOC, if requested by the athlete. The actual language of the amendment reads as follows: "Any Group A member of the United States Olympic Committee agrees, as a condition of Group A membership, to submit, upon demand, such cases brought under 'An Act to Protect an Athlete's Right to Participate in Unrestricted Competition' to the American Arbitration Association for binding arbitration." The athlete could, of course, forego use of the AAA in favor of the court system. Essentially, however, in those cases involving Group A members of the USOC, the athlete would have his choice of forum.

In those cases involving non-Group A members of the USOC, (for example, an educational association or other sports organization) the parties could mutually agree to employ the American Arbitration Association. Non-Group A members cannot, however, in the Commission's opinion, be required to submit athletes' rights disputes to binding arbitration. Such a requirement, would, in all likelihood, run afoul of certain Constitutional entitlements, such as the right to trial by jury. The situation is slightly different, however, with the Group A members of the USOC. Since those organizations voluntarily seek their Group A position, and inasmuch as they remain free to renounce their status at

[10] The Commission recommends that such a denial occur only after an appropriate hearing conducted at a reasonable time prior to such participation.

[11] Article I, Section A, NAIA Bylaws, *The National Association of Intercollegiate Athletics Official Handbook*, Fifth Edition, p. 14.

any time, the Commission believes that the USOC's Group A members can be required, as a condition precedent to their membership, to submit to such binding arbitration.

When binding arbitration is employed, the losing party could, according to section 7b of the draft legislation, seek review of the decision in the federal courts. As with nearly all types of arbitration, however, the scope of such judicial review would be exceedingly narrow. Relief would be granted by the court only if it determined that the arbitration decision was (a) procured by fraud or (b) clearly erroneous, or (c) not within the jurisdiction of the arbitration proceeding.

It should be noted in conclusion that the Commission is well aware that abuses of athletes' rights are infrequent. Nonetheless, the Commission appreciates the consternation caused to the athlete when abuses do occur, however rarely. The Commission is particularly troubled by the notion that athletes have been, and continue to be, penalized for representing their country on a bona fide national team in unrestricted competition. Through the passage of the draft legislation, the country can ensure that unjustified competitive denials are eliminated.

For example, if the Commission's recommended legislation had been in effect in 1969, Jack Langer and the other NCAA basketball players in all likelihood could have participated in the Maccabiah Games without fear of subsequent penalty. Any of the athletes desiring to participate in the Games could have brought a civil action prior to the competition, seeking to enjoin the NCAA from imposing penalties as a result of such participation. The only legitimate basis for an NCAA penalty would have been a prohibition by Yale or another affected university, in accordance with one or both of the two exceptions stated in section three of the proposed legislation. Based on the Commission's knowledge of the facts surrounding the Langer case (as outlined earlier in this chapter and in the chapter entitled Resolution of Franchise Disputes), if the NCAA had agreed to submit to binding arbitration, a finding by the court or arbitration panel favorable to the NCAA would have been highly unlikely. Consequently, the athletes could have participated with no possibility of future penalty.

Similarly, in the wrestling example mentioned earlier, either the USWF, or the wrestlers desiring to compete for USWF, could have required the AAU to submit its failure to sanction the Federation's exchange with Poland to binding arbitration. Again, unless the AAU could justify its decision under one or more of the seven criteria cited earlier in this chapter, USWF wrestlers could have competed without fear of subsequent punishment.

Moreover, the Commission believes that the recommended legislation could have an even broader positive impact as its provisions to maximize competitive opportunities for athletes become guideposts for all types of amateur athletic activity, not just unrestricted competition. As one former athlete, penalized for representing his country in international competition, stated before this Commission, an athlete should be allowed "to compete in as many levels of sports as he or she is capable of. That, after all, is what much of athletics is all about."[12]

[12] Jack Langer, Public Hearings of the President's Commission on Olympic Sports, April 10, 1976, p. 500.

FINANCING AMATEUR ATHLETICS

FINANCING AMATEUR ATHLETICS

Does the United States really need to pour more money into amateur sports? Consider these brief case histories.

1) Arnie Robinson of the U. S. Army won the bronze medal in the long jump in the 1972 Olympic Games when he was 24 years old. Not content with coming so close, he became determined to try again in 1976. "I used my G.I. bill for school," says Robinson. "My wife worked, and we reduced our spending to a minimum so I could train instead of holding down a part-time job." In the summers after the track season Robinson worked on a San Diego Sanitation Department garbage truck. "I really had no choice. I wanted to help make ends meet, but the work really tore me down. No way I could do that and try to train."

Arnie Robinson won the Gold Medal in Montreal. Shortly afterward, he said, "I'm debating now whether to keep going. I love to jump, but it will mean the same kind of sacrifices and I don't know if it's worth it."

By contrast, the other horizontal leap in the 1976 Olympics, the triple jump, was won by Viktor Saneyev of the Soviet Union, who had also won in 1968 and 1972. "Quit?" said Saneyev afterward. "Why on earth should I quit doing something I love?"

2) The only speed skating rink in the United States is in West Allis, Wisconsin. In the fall of 1975, the State Fair Board, which runs the rink, delayed opening it for the winter as an economy move. In order to assure themselves of proper training facilities, most of the contenders for the 1976 U. S. Olympic Speed Skating Team were forced to pay their own fares to Europe to use their competitors' rinks. Many of these athletes turned out to be our best, and many admit now that it was simply because they had the advantage of training on good ice. Sheila Young became one of the heroines of the Games. One wonders how many other Sheila Youngs there are. Until we have some decent, accessible speed skating rinks, we will never know.

3) Gymnastics, like swimming, is a sport in which talent must be developed early – witness 14-year-old Nadia Comaneci's flawless victories in Montreal. Teenagers, however, don't earn much money. The U. S.'s best 14-year-old is Jennifer Huff of the Marvateens Gymnastic Club in Maryland, who placed 29th in the U. S. Gymnastic Federation Women's Championships at age 13. To reach world class, Jennifer needs to be able to pay for the best coaching and for travel to important competition, some of it international. Her coach estimates this will cost between eight and ten thousand dollars a year until the next Olympics. Jennifer's parents simply can't afford it.

* * * * * *

These examples are but a few the Commission has collected which establish that many of our finest athletes, as well as coaches, parents, administrators and officials, suffer from the inadequate financing of amateur sports. For the most part, they do it willingly. They choose to make the sacrifice, to train and to compete in spite of the difficulties, using imagination and willing spouses, parents or employers whenever available. Many have no such assistance and are lost to the sport. A few others succeed through sheer determination, making the case by their example that American athletic talent is the greatest in the world. However, the system for allowing that talent to develop is disorganized and woefully underfunded.

If the United States is offended by such circumstances, if we believe that the service amateur athletes render the nation as examples of excellence is worthwhile, then we are obliged to remove the major financial barriers to sport. Several informal polls conducted by newspapers and radio stations across the country immediately after the 1976 Olympics showed a wellspring of public support for our Olympic athletes and our Olympic team. It is our belief that the well can be tapped without reliance upon federal funding and the federal strings which would surely follow.

The Commission's estimate of a "one-time" financial requirement in the neighborhood of $215 million and additional annual requirements in the neighborhood of $83 million *is a lot*, partic-

ularly if the money is not to be drawn from the public coffers. (See the chapter in Volume II on Financing Amateur Athletics for the derivation of these amounts.) However, if the U. S. is going to continue to develop a participation base in amateur sports and continue to perform well in international competition, new forms of financing amateur sport must be found. In addition, the U. S. need not confine its successes to the sports in which we have historically performed well. In fact, the Commission maintains that it is possible to increase participation and performance in all our sports. Less-developed sports generally need fewer funds (excluding money for facilities) to develop a sound participation base.

Financing amateur sport is critical to our continued success in international competition. All too frequently we must read about colleges dropping programs in particular sports and high schools dropping their entire sports program as a first step in budget belt-tightening. Outside of the school/college environment, the situation is generally worse. (See sports reports in Volume II.)

It also seems that Americans wake up to the financial needs of amateur sports only once every four years—at the time of the Olympic Games. During 1976, the Commission heard the media cataloging the many financial plights of athletes. The plight does not exist during the period of Olympic competition or even in the period immediately prior to it. Rather, descriptions of the financial hardships of our athletes refer to the four-year time frame *between* the Games.

The well-known sports broadcaster, Howard Cosell, testifying before this Commission on November 11, 1975, stated: "One of the key failures, in my opinion, in this country is to support our young people; to support the whole growth and development of the so-called amateur athletic structure to everyone's benefit has been our failure. We of the media talk about it every four years. We write about it every four years. Then just as quickly it's forgotten. The average sports announcer reverts right back to the daily baseball score, or basketball scores, or hockey scores, or whatever."

While the media certainly could do more to highlight the financial problems of amateur athletics, the media only reflect the interests of society as a whole. If Americans will demonstrate a continuing interest in the financial well-being of the country's amateur athletes, the media will devote more attention to the subject.

Other sections of this report demonstrate the uniqueness of our amateur sports system. Any student-athlete participating in a school/college sport is assisted financially, whether he or she is on scholarship or not. The U. S. is the only country in the world that uses its school/college system in this way. It is no surprise, then, that foreign athletes from such diverse countries as Kenya, Australia and Yugoslavia come to the U. S. to attend college and to compete in sport.

However, for athletes who participate in sports which are outside of the school/college system or for those who wish to continue competing after college or high school in sports which they began during their educational period, the situation is completely different. Here, with the exception of the military, no organization(s), private or public, gives the athlete the kind of financial assistance he or she needs in order to develop. As a result, many retire prematurely or continue at great personal sacrifice (e.g., Arnie Robinson).

Finally, the Commission has looked very carefully at how other countries finance their sports. While our school/college sports system is the envy of the world, other countries have found ways to finance their amateur sports more adequately throughout the athlete's competitive life. This has been done in many Western European countries largely through strong partnerships between government and industry and in socialist countries by the government. It is not the Commission's intent to follow in its entirety the course taken by any other country. The Commission has tried to develop ways to finance amateur sports in this country which are consistent with our system and which build upon the strengths of our system.

Based upon the foregoing, the Commission believes that some inertia will have to be overcome both in the government (with respect to legislation affecting the mechanisms of funding through the public sector) and in the private sector where there is a desire simply to continue past methods of generating funds.

THE NEED

The financial needs in U. S. amateur sports have been divided into four categories as indicated below:

- *Administration:* Includes an organization's expenditures for managing a sports program. This category includes all salaries for organization staff except those with specific and singular responsibility for facil-

ities operation, development activities (e.g., coaches), or competitive activities (e.g., judges). All service costs incurred by the organization, such as mailing, publications, etc. should be included in this category.

- *Development:* Includes costs of development activities of coaches, athletes and officials from the grass roots level up to, but not including, elite development for specific international competitions. Costs of training camps, development camps, clinics, seminars and training manuals or handbooks that are sponsored by the organization should be included in this category.
- *Competition:* Includes all expenditures for conducting local and national competitions or exhibitions and costs of international and domestic travel, per diem, and room and board that are the organization's responsibility. Also includes elite development for specific national caliber and international competitions.
- *Facilities:* Includes charges incurred by the organization for rent, lease, construction and/or maintenance of facilities. Also includes annual depreciation charges for facilities owned by the organization.

MAGNITUDE OF FUNDS REQUIRED

The most visible amateur athletic needs occur at the national level; that is, funding international competition, building regional sports centers, paying the salaries of professional administrators, mounting training programs for elite athletes. There is, however, a larger and more pressing financial need that exists below the national level. Building the base of participation and competition so essential to the development of our best world class athletes will require a major new financial effort.

As was mentioned earlier, the school/college sports system in this country has no equal in the world. However, even its most ardent advocate would concede that much needs to be done to develop some of the lesser-known sports, while even some of the better-known sports are presently being cut back. Funds must also be provided for liability insurance so that facilities at educational institutions can be more accessible to the public when they are not being used by student-athletes. Programs and opportunities must be increased for the post-school athlete, for officials' development, and for coaching development for women.

Amateur athletics' financial needs cannot be satisfied by a simple "one-time" injection of funds. While there are certain one-time requirements which should be met (facility construction and design of developmental programs), the nation must realize that we need to spend more than organizations such as the National Collegiate Athletic Association (NCAA), the Amateur Athletic Union (AAU) and the United States Olympic Committee (USOC) now do.

Any estimate of funds required on either a one-time or yearly basis is subject to questions of rationale or derivation. In constructing the estimates of fund requirements included below, we have not attempted to determine how much money is being spent at the state and local level by Boards of Education and Departments of Recreation. Nor have we attempted to determine what portion of those monies might be diverted to competitive amateur athletics. Similarly, we have not attempted to suggest, except in the case of the USOC,[1] any realignment of sports development budgets. Rather, the Commission has focused on the Olympic sports; has received data, opinions and advice from sports governing bodies and knowledgeable individuals; and has arrived at the estimated incremental funding requirements shown below.

Estimated Incremental Amateur Athletic Financial Requirements*
($ in thousands)

	One Time	*Annualized*
Administration	$ 5,000	$19,000
Development	50,000	24,000
Facilities	160,000**	18,000
Competition	–	22,000
TOTAL	215,000	83,000

*Includes estimated amounts necessary to satisfy national and sub-national level needs.

**Represents estimated amount required in addition to funds being expended to prepare facilities for the 1980 Winter Olympic Games at Lake Placid, New York.

The Commission recognizes that even if the amounts shown were provided, all of the nation's amateur athletic needs will not be solved overnight. Funding must be coupled with a reorganization of U. S. amateur sports into a more cohesive, cooperative system. Some would argue that the magnitude of funding shown will only allow the United States to maintain the status quo in a bitterly competitive world. It is our opinion, however, that infusing approximately $215 million into amateur athletic programs on a one-time basis and providing amateur athletics

[1] See the Volume II chapter on the U. S. Olympic Committee.

with roughly $83 million annually (for approximate allocation, as shown in the chart on previous page) will result in a significant multiplier effect upon the resources available to U.S. amateur sports. Given cooperation among private organizations, amateur sports bodies and governmental entities, a little seed money should pay handsome dividends. It would cost much more to build new tracks and gymnasiums than to make excellent existing facilities more accessible to our amateur athletes. Very little in the way of professional administrative help should be required to ensure more effective work by many of the individuals currently volunteering their time for amateur athletic programs and to recruit additional volunteers.

SELECTED SOURCES

The Commission studied a variety of sources which seemed to offer potential for financing amateur athletics.[2] The sources were divided into public and private sector alternatives—we did not attempt to be exhaustive in our investigation of financial sources, but rather attempted to study the sources appearing to combine the greatest public appeal with the greatest financial potential.

Neither in the material below nor in the companion chapter in Volume II is there a discussion of current USOC fund-raising efforts, although the USOC chapter does contain some discussion of the organization for Olympic fund raising. We have assumed that Olympic fund-raising efforts will go on as planned. We also believe that there is little overlap between many of the target sources identified in this report and the target markets currently approached by the Olympic Committee. It is the Commission's point of view that corporate giving could be much more effectively encouraged if some of the steps outlined below were taken. The Commission has shared the results of its financial research with appropriate USOC officials and hopes that the material provided will be of assistance. The Commission applauds the USOC's decision to conduct an internal review of the effectiveness of its fund-raising efforts.

The Commission was assisted in developing the conclusions presented below by a special consulting group made up of individuals in private business and government. Their judgment was invaluable and served to assist the Commission in assigning priorities to the various sources considered and in assessing the feasibility of those sources. Recommendations offered by the consulting group have formed the basis of the Commission's position on the sources of funding which should be considered in meeting the financial needs of amateur athletics.

[2] The sources reviewed are more thoroughly described in the chapter on financing Amateur Athletics in Volume II of this report.

PUBLIC SECTOR PROGRAMS

Within the public sector, sources have been divided into three categories. These are:

1. *Recommended Sources Requiring the Use of Public Funds.* These are funds generated from sources that not only require government sanction at some level but that are also public funds. These alternatives range from options such as actions by regulatory agencies to assist amateur sports to the use of revenue-sharing funds for amateur sports purposes.
2. *Recommended Sources Using Existing Federal Programs.* These public funds come from existing federal programs which now support amateur sports development directly or indirectly.
3. *Recommended Sources Requiring Federal Sanction.* These are alternative sources, such as commemorative coins, requiring federal sanction but that are not public funds. These alternatives depend on the individual citizen's decision to spend his or her money to support programs for amateur sports.

Private sector alternatives will be treated separately later in this chapter.

A chapter in Volume II of this report presents analysis of each of the public sector alternatives recommended below. It suffices here to state that every public sector alternative to financing amateur sport is fraught with one or more of the following constraints:

- —The alternative opens up the floodgates for other causes of equal merit;
- —The alternative confronts legal problems or difficulty with implementation;
- —The alternative constitutes misuse of the government appropriations process;
- —The alternative conflicts with most recent legislative history on the subject under consideration.

Nonetheless, the Commission believes that the financial plight of our amateur athletes is serious enough to recommend the alternatives listed below. If all of them were implemented, there would be more money available for ama-

teur sports than the Commission projects is needed. The Commission has made a comprehensive review of all the alternatives, and our recommendations are discussed below.

Recommended Sources Requiring the Use of Public Funds

The Commission considered several sources of funds in this category. Funds generated by imposition of a federal excise tax on admissions paid to sporting events is one such source. The American public spends between $1.2 and $1.5 billion per year on sports tickets. A 5% or 10% excise tax would rapidly generate the required funds for amateur athletics. Although public policy of the last several Congresses and the last five Presidents has been opposed to excise taxes in general, there are precedents for this type of financing which the Commission recommends for consideration by the Congress.

Revenue-sharing funds (some $6 billion under recent legislation) can be used for amateur athletics. The Commission endorses the use of such funds for amateur athletics and commends appropriately structured programs to officials at the state and local levels. It also urges that amateur sports groups work closely with government officials on the state and local levels to utilize this source of funds. Revenue-sharing funds offer a significant source of additional funding for amateur athletics.

The Commission is also aware of various "in-kind" contributions that might be stimulated through federal action. We believe that the potential of the Department of Defense and its subordinate agencies in support of amateur athletics is of such worth as to merit a separate chapter of this report (see discussion of the potential role of the military in amateur athletics elsewhere in this volume).

Another program of potential merit is that of reduced fares on airlines and other forms of transportation for athletes and their equipment. The Commission has found that transportation is one of the most burdensome costs of competition for the amateur athlete. Great portions of national governing bodies' small annual budgets are devoted to transportation costs. Therefore, the Commission recommends that the Civil Aeronautics Board (CAB) and any other appropriate regulatory agency examine the possibility of reduced rates for athletes to transport themselves and their equipment. For example, a major U. S. airline has recently approved the transport of the U. S. Ski Team's heavy load of equipment at reduced rates, providing the CAB will approve it. Similarly, if world class athletes were allowed to travel at reduced rates during non-peak periods, a great dividend to amateur sports development could be realized. In a similar fashion, military transport could be utilized.

Potential Funding From Existing Federal Programs

Department/Program	*Total Funding $ FY '75*	*Sports/Recreation Expenditures $ FY '75*	*"Reasonable" Potential Amateur Sports Expenditure Level**	*Expenditure Category*
Dept. of Agriculture				
U. S. Forest Service				
Downhill Skiing	$ 150,000	$ 150,000	$ 300,000	Facility
Cross Country Skiing	100,000	100,000	200,000	Facility
Farmers Home Adminis.				
Community Facility Loans	2,000,000,000	20,000,000	40,000,000	Facility
Dept. of Commerce				
Economic Development Adminis.				
Public Works Program	165,500,000	1,745,000	3,500,000	Facility
Dept. of Housing and Urban Development				
Office of Comm. Plan. & Dev.				
Community Development	2,550,000,000	5,200,000		Development
Block Grant Program		53,800,000	96,000,000	Facility
Dept. of the Interior				
Bureaus of Outdoor Recreation	301,349,000	138,000,000	155,000,000	Facility
Dept. of Health, Education and Welfare				
Community Services Adminis.				
National Youth Sports	6,000,000	6,000,000	12,000,000	Development
TOTALS	$5,023,099,000	$244,995,000	$307,000,000	

*NOTE: Estimated potentials based more on general program insight than detailed analysis of funding strategy options.

Recommended Services Using Existing Federal Programs

The Commission queried each of the major federal departments and agencies about existing programs which directly or indirectly support amateur athletics. From their responses, the programs in the five departments shown in the chart on the previous page are highlighted. It is the Commission's opinion that with the exception of the National Youth Sports Program, the amounts in the column entitled "Reasonable Potential Amateur Sports Expenditure Level" can be generated without requiring increased appropriations for these programs. Rather, increased emphasis on amateur athletics within each program would result in the increased funding shown. Again, details of these programs are presented in the Volume II chapter on Financing Amateur Athletics.

Department of Agriculture

Within the Department of Agriculture the United States Forest Service currently funds the development and maintenance of both downhill and cross-country skiing facilities. These programs have had limited support in recent years because of the objections by environmentalists to certain types of skiing courses. Conversely, the cross-country skiing franchise program is expanding rapidly. Little environmentalist resistance has been encountered, primarily because trails result in minimal disturbance to the environment. Downhill skiing, on the other hand, requires extensive rearrangement of the land and requires that many ancillary support services (e.g., electricity, sewage, roads) be installed. Downhill skiing also imposes a considerable financial burden on the franchise operator to develop and operate the ski area. Nonetheless, the Commission recommends the continuation of this program in indirect support of amateur sports.

Through community facility developmental programs, the Department of Agriculture has as its goals the development of rural communities, increasing income for farmers, and reducing migration from rural areas. A small portion of the total amount disbursed in the form of loans is utilized to support Olympic sport activities. The loan programs have a 5% interest rate mandated under law which, in the current money market, necessitates a 2.5% to 3.5% loan interest subsidy by the federal government. Congress has not increased the appropriation for these loan programs, primarily because they were not intended to be subsidy programs. The Congress is considering changes in the law which would allow floating interest rates for the loan programs. If they are enacted, these changes would increase the availability of funds. The Commission supports this enactment.

Department of Commerce

The Economic Development Administration (EDA) of the Department of Commerce is able, within existing legislation, to support amateur athletic endeavors, particularly the construction of major sports facilities. To become eligible for assistance from the EDA, an athletic organization (e.g., the USOC, an AAU affiliate or other) working with a local community must demonstrate that such a facility would be in the best interests of the community and that the facility would raise income and employment levels in the community. While there are certain restrictions on EDA with respect to economic conditions in the areas where it provides grants, there is the clear possibility of utilizing EDA funds for the construction of regional sport complexes. The prime example of this is the recent use of EDA funds to construct facilities for the 1980 Winter Olympics in Lake Placid, New York. Depending on how the appropriations process for Lake Placid is finally resolved, such a program is a potential example of reallocating priorities to permit the use of existing funds. The Commission endorses this program and urges that EDA do more in the future to assist amateur sport.

Department of Housing and Urban Development

The funds which are now available through community block grant programs suggest that well-coordinated project requests dealing indirectly with amateur athletics have a significant chance of being approved – if they are well supported at the community level. Stadiums and sports arenas are not eligible for funding under this program, and financial assistance for the construction of recreational facilities may only be provided if other federal funding sources are not available. Even though the program is new and some of its procedures and requirements are a bit cumbersome, a significant amount of funding for well-conceived programs in urban areas may be available through this source.

Department of the Interior

The Bureau of Outdoor Recreation released in FY 1975 more than $300 million for public, outdoor recreation projects. These monies are granted on a matching-funds basis (i.e., equal financial commitment from the recipients is required). As Olympic-size facilities usually cost more to construct, and as there are more demands for funds than there is money available, facilities constructed with funding from

this source seldom conform to Olympic standards. However, the program has been effective in increasing the availability of sports and recreational facilities. With a minor change in legislation permitting grants for construction of indoor facilities, the Department of the Interior could become a major source of federal assistance in the development of regional or subregional indoor and outdoor Olympic-standard facilities.

Department of Health, Education and Welfare

The National Summer Youth Sports Program has been providing sports activities for disadvantaged youth in approximately 127 colleges throughout the U. S. since 1969. The program has been successful during the summer months in opening up existing facilities for community use. It has produced many outstanding collegiate athletes and, even though some administrative and cost-per-pupil problems have existed, remains a most beneficial program for developing the participative base in this country.

The Commission's conclusions with respect to the above federal programs are:

- Expanding the amount of money available to amateur athletes through existing programs without requiring major increases in appropriations is possible *but will necessitate a major policy statement from the highest executive level;*
- Increased funding can be provided to amateur athletics, particularly in support of facility construction, within the intent of existing legislation;
- Enabling legislation to permit the Bureau of Outdoor Recreation of the Department of the Interior to consider funding programs for indoor facilities should be considered; and
- In the final analysis, taking advantage of many federal programs depends upon individual communities establishing amateur athletic programs as a major priority and then working closely with local athletic organizations to develop acceptable grant applications.

Other Federal Programs

The Commission endorses the concept of international sports contacts among countries as a viable form of cultural exchange. The Department of State in the division of Mutual Educational and Cultural Affairs and the Peace Corps both sponsor exchanges of this type but due to financial constraints they are infrequent. The Commission believes that sports exchanges are among the best ways to build better understandings among peoples of the world. Therefore, the Commission recommends that additional exchanges and appropriate funding for the exchanges be undertaken by the relevant departments in cooperation with sports national governing bodies.

The Consumer Product Safety Commission could also make a more lasting contribution to amateur sport in its programs. (See the chapter in Volume II on Financing Amateur Athletics.)

The Department of Health, Education and Welfare could do more for sport under existing statutes by prioritizing some of the work of the Office of Education and National Institutes of Health dealing directly with amateur sports matters.

Finally, the President's Council on Physical Fitness and Sports (PCPFS) is the only ongoing government agency solely concerned with physical fitness and sport. While not a grant-making agency, the Council provides valuable service to the physical fitness and sports community through promotion and cooperation with groups to structure programs benefiting sport and physical fitness.

In order to insure that the best working relations are established between the Executive Branch of the federal government and the central sports organization (CSO), the Commission recommends that a position be designated to serve as a liaison with the CSO at the highest level of government to advise the CSO on the availability of federal funds for amateur sports. The Commission has taken note of the success of PCPFS in acting as a catalyst upon private business and education. While a new position could be created for the purpose of liaison with the CSO, the Commission recommends that the Executive Order governing the operations of PCPFS be modified to expand PCPFS responsibility to include liaison with the CSO.

In order to insure that federal efforts satisfy priorities established by the CSO, the Commission recommends that a sub-Cabinet level Committee be established by Executive Order to coordinate federal response. As the sub-Cabinet level Committee will, of necessity, meet on an infrequent basis, the Commission further recommends that PCPFS be established as the staff and coordinating arm of the newly established Cabinet level sub-Committee.

While the PCPSF budget will undoubtedly require some slight increase to enable the organization to serve as liaison with the CSO and as staff arm to the sub-Cabinet level Committee

on Amateur Athletics, the Commission believes that the increased funding requirement will be minimal. Further, PCPFS is in an ideal position to serve as federal liaison (1) from the standpoint of existing expertise, (2) due to its stature both within the federal government and as viewed by private corporations and amateur athletic organizations, and (3) by virtue of the organization's proven ability to act as a catalyst.

Direct Appropriations

To the extent that existing federal programs cannot support the funding level which the Executive and the Congress deem appropriate, the Commission endorses direct appropriations for the purpose of improving the nation's amateur athletic opportunities. The Commission believes that such direct appropriations, if employed, should be authorized on a "one-time" basis and should be used primarily for facilities.

The Commission's position is that the Congress should be encouraged to appropriate up to $100 million for the construction of amateur athletic facilities if other sources cannot meet the need. This can probably be consummated for the most part under existing statutes, as noted above.

Amendments to the Tax Code

In the last Congress, tax amendments were introduced by a member of this Commission[3] which were designed to:

- Permit amateur athletic organizations to automatically qualify for tax-exempt status under Section 501c(3) of the U. S. Code; and
- Permit tax credit of up to $500 for national and world class athletes (it was estimated that approximately 10,000 American athletes would qualify), their parents or guardians for expenses incurred in training for and participation in national and international amateur athletic competition.

The first of these amendments was written into law as part of the 1976 revision to the tax code. The second amendment was eliminated in conference and therefore did not become part of the law.

The Commission recognizes that the enactment of such legislation provides only token funding to amateur athletic programs. At the same time the Commission has been advised by nearly every athlete and administrator to whom it has spoken that one of the greatest financial needs in amateur athletics is for relief to individuals who bear the direct financial burden of supporting world class amateur athletes. Although permitting tax deductions or tax credits for those who must carry this financial burden is a token step, it is a step which should be taken as a demonstration of the nation's recognition of those who make continuing sacrifices so that our best potential athletes may have a chance to develop.

Broken-Time Payments

During the 1975 Pan American Games and the 1976 Winter and Summer Olympic Games, the federal government made special provision for time off with pay for employee athletes who were members of the U. S. Olympic and Pan American Teams. As may be seen elsewhere in this chapter, the Commission recommends that national and world class athletes who are preparing for a major competition be allowed time off to train with pay. This concept of payment for time off is referred to in the amateur athletic community as "broken-time" payments and is legal under amateur codes.

The Commission believes that it is in the public interest for corporations to support athletes under the broken-time concept; therefore, we believe that the federal government should take the lead in this effort in making broken-time payments available to government employees.

Research conducted by the Commission indicates that an Executive Order would probably be sufficient to establish a valid broken-time policy within the federal establishment.[4]

However, in order to add impetus to the program in the private sector, particularly at the post-collegiate level, the Commission recommends that Congress endorse a "broken-time" payment program at the earliest reasonable date. There is a precedent for this in that the government has for many years permitted military athletes time off to train in preparation for important national and international competition.

Recommended Sources Requiring Federal Sanction

Each of the programs cited below has as its underpinning the voluntary decision of the individual citizen in this country to make a contribution to American amateur athletic programs. The Commission firmly believes that if a citizen chooses to buy, for example, an Olympic commemorative coin and to consciously allocate the net proceeds of that purchase to American amateur athletic programs, it is a decision reached by the individual with the government

[3] Senator J. Culver (D-Iowa).

[4] Several city governments currently have broken-time programs including specifically, Baton Rouge, Louisiana; and Chicago, Illinois.

acting as an agent for the citizen. It was mentioned earlier that there will be some opposition to these and other of our proposals. However, the Commission stands firm on its belief that the need is great and that the government can act to assist the American people who wish to contribute to amateur sports. The Commission therefore believes that it is imperative that the federal government take the initiative and spur the private sector to greater action. Details of these proposals can be found in the chapter on Financing Amateur Athletics in Volume II.

Tax Refunds and Contributions

In 1974 nearly 83 million individual tax returns were filed. Of these, 64 million were eligible for refunds amounting to approximately $25 billion. The Commission holds that individual American taxpayers ought to be provided an opportunity to make a contribution to amateur athletics by electing to allocate a portion of any refund to which they may be entitled to amateur athletic programs. Or when filing federal returns, citizens should be allowed to include an extra amount as a contribution to amateur athletics.

The program being suggested differs significantly from the tax check-off system used for the federal election fund in that that system allows taxpayers to allocate public funds. The Commission believes that the contributory system the Commission is proposing, even though voluntary, would raise more than the roughly $32 million raised for the federal election fund through the tax check-off system in 1974.

Subsequent to the 1976 Winter and Summer Olympic Games, a great deal of citizen interest was expressed in some sort of tax check-off system designed to benefit the Olympic team and amateur athletics. Letters poured into the President, Members of Congress and this Commission. The Commission believes that significant public support exists for a system such as the one described above, that such a system would rapidly begin to generate sizable funds for amateur athletics, and that it would provide a relatively constant source of funding estimated in excess of $30 million per year. The Congress and the Executive should move immediately to provide the taxpayer with this option as part of the calendar year 1977 tax returns.

Commemorative Coins

Early in its examination of alternative ways to finance amateur athletics, the Commission learned of suggestions which the USOC had made that the Congress authorize and direct the U.S. Treasury to mint commemorative Olympic coins. The programs suggested would authorize the Secretary to mint and issue gold coins at par value in such quantity, form and denomination as he might deem appropriate. A recent proposal would have required the Secretary to turn the proceeds over to an incorporated non-profit organization or foundation.

The Commission studied commemorative coin programs with regard to the feasibility of implementing such a program in this country. The Commission relied heavily on the example provided by the Canadian program mounted in support of the 1976 Olympics and upon information provided by representatives of the U.S. Department of the Treasury. From the research conducted, the Commission finds that:

- The Canadian coin program for the 1976 Summer Olympics in Montreal, through seven series of coins sold in sets of $30 face value each, generated approximately $200 million in sales in Canada and an additional $85 million in sales in the United States; and
- Based on the Canadian experience in the U.S. market, the Commission estimates that an appropriately developed, similarly based U.S. coin program could generate between $1.0 and $1.2 billion in gross sales or a net of $500 to $600 million for amateur sports.

Commemorative coins were very popular among private organizations as a fund raising vehicle until the 1930s when President Hoover vetoed a commemorative coin proposal. Hoover made three points in justifying his veto:

- First, he pointed out that commemorative coins were contrary to the purpose of the currency system: to function as a medium of exchange. He also argued that the multiplicity of coin designs confused the general public and encouraged counterfeiting;
- Second, President Hoover felt that the purpose of the coins was often abused by dealers who invariably bought up the coins seeking large private gain. The Treasury had no control over the selling price charged by the dealers who made large profits rather than the sponsoring organization; and
- Third, Hoover was alarmed by the flood of proposals for authorization of coin programs that ensued when a single commemorative coin bill received his signature. It would be very difficult for him to justify signing one bill and vetoing similar bills.

Presidents since Hoover have used essentially

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the same arguments in vetoing commemorative coin proposals.

Another major obstacle to a coin program concerns the marketing mechanism and the handling of receipts. Early commemorative coins were minted by the Treasury and sold to the sponsoring organization to be marketed at a premium, the Treasury receiving the seigniorage.[5] However, this arrangement invariably led to abuses, including illegal trafficking by private dealers. The most attractive alternative is to allow the Treasury and the Federal Reserve System to act as the distribution vehicle.

The proponents of the Canadian coin program faced exactly the same arguments and barriers. However, the Canadians were able to overcome the objections in their country and operate a successful program. During the Parliamentary debates, two issues took center stage: (1) that a large number of these coins would find their way into the currency system; and (2) that parliamentary approval of this coin program would lead to a flood of similar proposals.

The first argument was resolved through a marketing technique: attractive display cases were provided and the coin sets were sold at a considerable premium. The case design discouraged buyers from breaking the cases open and using the coins for ordinary transactions. To overcome the banks' objections that they would be "stuck" with unwanted coins, it was agreed that the coin program would buy back from the banks any coins which got into circulation. To date, only $600 worth of coins have been reclaimed in this manner.

The other major objection involved the justification for passing this one proposal while disallowing similar proposals which would undoubtedly follow. The Parliament and Cabinet ultimately agreed on criteria to be applied to all such special coin proposals. In summary, the criteria are:

- An international event, in which most nations recognized by Canada participate, will be commemorated;
- The event is not likely to be held more than "once in a lifetime" in Canada;
- The event is universally recognized in terms of its contribution to world understanding;
- The event will enjoy wide national and international public support and participation;
- The event will be apolitical by nature;
- The event will have no racial or religious bias; and
- The event will have no commercial or professional objectives.

In addition the Canadian organizers also succeeded in getting authorization to mint gold coins. Objections were raised citing the International Monetary Fund's concern with deemphasizing the relationship between gold and money. The Canadians successfully argued that the marketing of gold coins permitted the disposal of surplus gold with no impact on the commodity markets.

It is also significant to point out that while Presidents since Herbert Hoover have opposed coin programs, there have been some which have been authorized. These include the Bicentennial coins and the Eisenhower Dollar.

With respect to a commemorative coin program, the Commission states that:

- Significant funds can be raised for amateur athletics through an appropriately structured commemorative coin program (up to $600 million net);
- It is in the best interest of the nation for such a program to be authorized by the Congress and for the Federal Reserve banking system to be employed as a marketing and distribution vehicle;
- The decision to use gold or silver coins in the program should depend on prevailing economic conditions at the time of initiation;
- Any program should be structured around a significant amateur athletic event held in this country. The 1980 Winter Olympic Games at Lake Placid, New York, potentially offer such an event but, unless the Executive and Congress are to act very early in 1977, it is probably too late to base an effective commemorative coin program on that event;
- Assuming that an effective program cannot be mounted to coincide appropriately with the 1980 Olympic Winter Games at Lake Placid, then authorization of a commemorative coin program should be withheld until such time as the Olympics or other appropriate major international sporting event is held in this country; and
- Unlike Canada's use of the funds generated from the program to finance its Montreal Games, the proceeds from such a program in the U.S. should be used to finance the development of amateur sports.

[5] Seigniorage is the difference between production and distribution costs and face value.

Stamp Programs

The Canadian Postal Service undertook management of a stamp program as one of the means of funding the 1976 Olympic Games in Montreal. The stated objective of the program was to provide the Olympic Organizing Committee of Canada with $10 million net. To generate this amount, three categories of stamps were sold as follows:

- Philatelic stamps: stamps of large demonination sold to stamp collectors;
- Semi-postals: stamps sold with a surcharge; and
- Metal replicas of stamps and other similar or related products.

Over a three-year period $6.5 million were raised for the organizing committee. Of this amount, $6.3 million came from the sale of philatelic stamps. Semi-postals lost nearly $½ million net, and the other programs contributed less than $1 million in gross revenue.

With regard to a stamp program, the Commission recommends that:

- Only philatelic programs having a sales price of $1 or more should be considered as a source of funding for amateur athletics;
- Such programs should be combined with "First Day Cover Sales" marketed through one or more private organizations such as the Franklin or Hamilton mints; and
- Stamp programs should be established to be serial in nature, in such a manner that several series of stamps be issued which would provide a continuing source of funding over time for amateur athletics. Such programs should be timed to coincide with the anniversaries of significant American amateur athletic events and/or the Olympic Games.

National Lotteries

Background information on lotteries can be found in Volume II of this report. One reason the Commission examined this alternative is that many countries of the western world use lotteries to finance amateur sports.

The federal government has the power under the Interstate Commerce Clause of the U. S. Constitution to create a national sports lottery. Implementation, however, raises the question of whether Congress can require states which currently specifically prohibit lotteries to institute them. There are other problems with lotteries as well, such as the moral questions that would be raised and the question of whether they are tax-free (Canada's Olympic lottery was tax-free). However, if implemented, a lottery could generate significant funds for amateur sports.

Three options for conducting a lottery are outlined in the Volume II chapter on Financing Amateur Athletics. The Commission does not recommend the creation of a national sports lottery unless Congress determines that all the arguments operating against one can be legally and morally overcome. The Commission does recommend, however, that the CSO consider allowing those state lotteries already in place (as well as any that are initiated in the years to come) to use the Olympic name and symbol in the conduct of a special lottery for amateur sports.

Another alternative would be for states already with lotteries to donate a certain portion of the proceeds of regularly scheduled lotteries to amateur sports in their state or on the national level. Again, use of the Olympic name and symbol might be obtainable. Under this alternative and using the thirteen states presently conducting lotteries, the United States Olympic Committee could raise $3.5 million per quadrennial if 10% of the proceeds were allocated by the state lotteries to the USOC.

PRIVATE SECTOR PROGRAMS

The Commission examined the potential role of American business and industry in financial support of amateur sport. Major findings are contained in the chapter on Financing Amateur Athletics in Volume II. Below are the Commission's recommendations.

Background

The Commission believes that major new funds for amateur sport can be generated from the private sector. American corporations, together with organized labor, can contribute significant resources to assist in amateur sports development. In addition, while the Commission has chosen not to explore philanthropic sources, significant funding may be generated from these groups. The Commission has also not conducted a detailed analysis of the small contribution, e.g., the individual who contributes $5 or $10 to the USOC.

Just as East Germany relies on her government to finance sport, the United States must rely on its greatest strength, free enterprise, to help finance amateur sport. The Commission maintains that American business and labor can generate important dividends by helping

to finance amateur sport. These dividends include the building of a good corporate and labor "image" as well as making a contribution to the society in which these entities operate. And, if well planned, such activity can generate a return on investment and satisfaction from the stockholders.

Corporate activity in this area is good for the company and its employees. At a time when business and labor are under increasing public scrutiny and our private sector institutions are attempting to make the public understand their raison d'etre, what is a more unifying force than activity in amateur sports? Instead of spending millions of dollars to explain our economic system to the public, companies could financially adopt national governing bodies, fund development programs, or hire athletes as bona-fide employees but give them some time off to train with pay. Such actions might pay handsome dividends in building credibility among youth, obtaining long standing employees, reducing the turnover rate in those industries which face this problem at entry levels and in some cases generating profits. The labor force would certainly be proud of "their" athlete, providing any potential labor problems are worked out beforehand. It is well documented that many former athletes go on to remarkably successful careers in business, government, medicine, law, etc.

Recommendations

Recommendations are broken down into four areas:

- What the federal (or state and local) government can do to stimulate additional corporate activity;
- What the corporation can do in concert with sports organizations or on its own;
- What the CSO must do; and
- What other miscellaneous private sector programs exist.

Role of the Government

In the companion finance chapter in Volume II of this report, it is reported that corporate executives would like to see a major outside impetus occur to spur corporate activity in amateur sports. Therefore, the Commission recommends that:

- Congress implement one or more of the funding alternatives recommended earlier in this chapter;
- The President of the United States call a meeting of business and labor leaders at the White House to hear a presentation on the needs of amateur sports and how the private sector might assist;
- Subsequent to the meeting, the President appoint a highly respected individual to generate interest in a private sector financing program for amateur sports and/or ask that the topic be placed on the agenda of the high level Business Council; and
- Similar activities be conducted by the Governors or Mayors on the State and local levels.

Role of the Private Sector

The Commission recommends that private enterprise, working with the CSO and the National Governing Bodies (NGBs) consider the following steps to assist amateur sports:

- The hiring of athletes as bona fide employees, giving them time off from work with pay to train for competition;
- The sponsoring of programs and events on the local and national levels by contributing financial resources and in-kind aid. Examples of the former include:
  - A group of corporations in the same industry (perhaps through an association) together sponsoring the development program of an NGB;
  - A group of corporations in differing industries together sponsoring an NGB or the development of a sport that is popular where corporation offices are located;
  - A corporation sponsoring the national championships or other major event in a sport.
- Examples of in-kind aid include:
  - A major pharmaceutical company sponsoring programs in sports medicine; or
  - The manufacturers of basketballs helping to underwrite the development of a much-needed post-collegiate program;
  - The donation for temporary use of company facilities (e.g., cafeterias, auditoriums, etc.) for clinics, meetings, classes, etc.;
  - The donation of athletic fields or gymnasiums owned by a corporation for use by local sport groups when the facilities would otherwise be vacant;
  - Company sponsorship of coaching or training clinics;
  - Donation of uniforms and/or equipment to local sports groups;

- The establishment by corporations of matching funds programs for amateur sports similar to those conducted for educational institutions, or the establishment of an Olympic support fund; and
- A gradual increase in significant corporate activity, taking into account budget cycles and the effectiveness of the development of a particular program.

Companies can generate considerable publicity and return on investment from such activities. There are ways in which companies can advertise, if they wish, and identify the elite athlete or one that is working for the company and still protect his or her amateur status. Companies embarking on this and any other direct sponsorship program should work closely with the appropriate sports organizations to ensure that the athlete's amateur status is not violated.

Local programs for non-elite athletes can generate significant good will in the community in which the company operates.

Role of the Sports Organizations

The chapter in Volume II on Financing Amateur Athletics has delineated the perception of corporate executives of amateur sports organizations. Amateur sports are fraught with jurisdictional disputes and inadequate administration. In addition, corporate executives are not fully aware of the needs or what business and labor can do to assist in amateur sports development. Therefore, if amateur sports expect to generate increased support from the private sector, the organizational disputes must end, sound and competent management personnel and systems must be installed and the amateur sports organizations must embark on a program to "educate" business and labor leaders of their needs, problems and how the private sector can help.

The Commission encourages the national sports governing bodies to join together and formulate a common approach to the corporate market to maximize the effect of multiple product marketing. Through this approach, national governing bodies will learn from each other the various techniques involved and benefit from the contacts established at various private enterprises. It is also conceivable that the NGBs need only define their requirements and suggest how these requirements might be met by specific corporate programs. The NGB would do what it does best: manage the development, administration and competition associated with the sport and leave the corporate contacts up to the CSO.

Corporate opportunities for amateur sports organizations can be best realized by integrating the elements of corporate "altruistic" giving and return on investment concepts by inviting each corporation to participate in a way or combination of ways best suited to its interests. This means that the CSO should develop a well-researched market penetration plan. Below are some of the elements of such a plan.

Marketing goals of industries and of corporations within each industry differ widely. Therefore, the plan must be structured differently for each major industry heading and even within each industry. Within each of the industry categories or sub-categories, differentials which have to be taken into account among products are: (1) purchases by sports people (e.g., basketballs); (2) purchases by consumers (e.g., women's shampoo) and (3) purchases by industrial users (e.g., forest products). Many of these markets can be penetrated if the sports goals are matched with the marketing goals of the corporation.

There will be differences in management perception of the labor force from industry to industry. For example, an insurance company, with many white collar workers being paid on commission basis, could implement the broken-time concept much more readily than a more structured, salaried employee system of another company. Similarly, white collar salary methods are very different than blue collar. Blue collar workers need to be included and this will require assistance from the labor union which ties compensation to an hourly wage.

In the process, the following questions must be answered:

- What is the industry to which the sports organization is appealing?
- Within an industry, which companies offer the greatest potential to support amateur sports? What is the history of their participation?
- What is the marketing strategy of a selected company and how can activity in amateur sports be matched to that strategy?
- What products does the company manufacture/sell and can a product be matched to a sport, an advertising theme, etc.?
- Where is the company located and in a particular geographical area, what products are made/sold there?
- What sports are popular in this area (e.g., volleyball in California, speed skating in northern Illinois and Wisconsin)?
- What is the point of contact? Who can make

a decision on the feasibility of a proposal?

- Who does the work? Should it be the CSO or the NGB?
- Will activity by a corporation in amateur sports increase the market penetration of the company consistent with marketing strategy? What will be the reaction of the company's consuming public?
- What will be the reaction of the stockholders? How have stockholders viewed similar activities in the past at annual meetings?

This list of questions is not exhaustive, but the Commission believes they are important. If amateur sports wish to generate significant funds from the private sector, it will be effected only by demonstrating the potential return on investment to business, industry and labor. Private enterprise is not in business for philanthropic reasons.

Miscellaneous Private Sector Programs

There are four additional private sector programs. These are:

- *Direct support of a sport by manufacturers of equipment in that sport.* The chapters in Volume II on Skiing and Archery describe how manufacturers of equipment for these sports have supported their development. Using the same steps outlined above in developing a market penetration plan, considerable potential may exist to expand this type of program into other sports.
- *Direct support of a sport by a professional team/league in that sport.* The chapter on Ice Hockey in Volume II describes how the National Hockey League (NHL) provides funds for the development of ice hockey in this country. Using NHL as a guide and developing a market penetration plan, considerable potential may exist to obtain similar support from other teams, leagues, associations and individuals. The chapter on Boxing in Volume II describes how Mohammed Ali was willing to donate resources to the development of amateur boxing. The request was declined by the amateur sports community. The Commission believes that assistance such as this is desirable and consistent with the role of amateur sports to develop participation and interest.
- *Fund raisers.* Fund raising events can be of many varieties. The Commission intends only to highlight them as a possibility to generate funds from the private sector.
- *Use of television time to support amateur sports.* The National Association of Broadcasters (NAB), a private group, not the Federal Communications Commission, sets the number of minutes that can be put aside for advertising time during a television show. If one extra minute were allowed per hour (or even per televised sports event) for the purpose of advertising, revenues from the advertiser could be allocated to amateur sports. This would require agreement from the NAB and from the networks.

Finally, it should be noted that television and sports organizations generate significant monies from telecasting sports. Unfortunately, most of the sports organizations realizing large revenues are professional in nature, with the exception of college football and basketball.

The Olympics, however, are a unique television contract phenomenon. There, although a U. S. television network may pay large sums for the rights to televise the Games, not a single penny comes back to this country unless the Games are in the United States. The revenues are divided between the International Olympic Committee and the host country's organizing committee. For example, in 1980, the Moscow Organizing Committee will receive most of the revenue, with the IOC receiving its operating funds and funds for developing sports programs in the Third World from U. S. television revenues. The USOC receives none of this revenue, although the U. S. Olympic movement will benefit somewhat from the 1980 Winter Games to be held at Lake Placid, New York.

The Commission was charged by the Executive Order to recommend ways to provide needed funds for amateur sports. The Commission has examined every possible public and private sector alternative in the time available. These alternatives have been discussed in detail in Volume II and the recommendations for financing amateur sports have been outlined above.

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AMATEURISM

What enticements or threats led athletes to Montreal? What rewards or punishments followed?

Pre-competition benefits or support take many forms. For the Russian super heavyweight weightlifter it is $2,000 from his government every time he breaks a world record, which he does kilogram by kilogram in non-Olympic years with remarkable regularity. Post-event rewards may be equally effective. For example, upon returning home after the 1976 Olympics, the Finnish winner of the 5,000 and 10,000 meter runs received a state promotion from junior to senior class policeman and a resort cottage in Lapland. Both athletes are still eligible for amateur competition, and their situations are not unique.

No wonder so many Americans perceive the Olympics and much other international competition as waged between U. S. amateurs and foreign professionals. "It's us against them," says the bartender to the patron, "and they're cheating. They're also winning!"

All of which leads to one of two conclusions: Either amateur rules should be altered or abolished so that our professional athletes can be unleashed on the rest of the world, or the rules should be enforced equally, eliminating the opposition's full-time paid athletes. However, the International Olympic Committee (IOC) has shown no inclination to suspend Eastern European athletes for violation of amateur rules, or to admit western professionals to the Games.

It should be noted, that although some countries' systems of assisting athletes' development are far more "professional" than ours, if the Olympic Games were opened to professional athletes the U. S. might not fare much better than it does now. We already dominate basketball with amateurs, and in boxing U. S. performances might decline. Only two Americans—Muhammad Ali and Danny Lopez—now hold professional world boxing championship titles, but in the last Olympics U. S. amateur boxers took five Gold Medals.

Nevertheless, in the experience of the Athletes Advisory Council to the U. S. Olympic Committee, American athletes do not resent the support and opportunities they see other athletes receiving. Instead, bitterness is directed against our own more rigid codes. A champion American marathon runner said, when asked what he would have received if he had been a Russian Gold Medalist, "Well, I would rather have been a Finn . . . Had I been a Finn, my town would have built me a house. Peugeot would have given me a free car, all of this tax free, and I could have done endorsements. Every time I would have gone to a shopping center I would have gotten $2,000 for cutting a ribbon. I could have demanded $2,000 every time I set foot on the track for the rest of the summer and probably all of the rest of the next year, and all of that money being ignored by the government; plus as I went along trying for the next Olympics, I would have had the subsidy that I mentioned. [Also], if I were a businessman, I would have had all sorts of capital flowing in there from people who would give me fairly substantial loans to start several businesses."

The athlete's nationality—Finnish, Russian, German or Italian—is not important; what is critical is the fact that although our athletes feel at a competitive disadvantage, they do not want "amateurism" enforced on the other side. They want to be more "professional" themselves. They want more financial assistance from somewhere, although they disagree on whether it should come from private or public funds.

Given the international situation, the question arises, are we our own worst enemy for enforcing stricter rules than we have to? Can we do anything about it? The Commission in the following study finds that we are and we can.

Amateurism has proven so difficult to define, let alone to embody in a code of behavior, that the IOC has given up using the term, preferring instead to speak of eligibility. Any sensible definition of amateurism must have to do with attitudes toward sport, not behavior. Accepting money in some connection with sports activities may in fact tell us very little about the motivations of the athletes in question. Since the late 19th century, when members of the British

landed gentry objected to working class athletes actually training for competition (and melting down the silver cups they won), codes have attempted to enforce the love of sport as motivation by precluding reward. A basic question, best left aside temporarily, is whether or not the benefits of enforcing those codes ever outweigh the loss of individual liberty entailed. In any case, it is clear that 20th century attitudes do not coincide with 19th century amateur codes. Many professional athletes love their sport with a passion equal to any amateur's and would continue to take part even if they were not paid. There are also athletes eligible for amateur competition who do not take part for the sake of the sport, but because of the pressures of coaches and families, and the promise of future reward.

The insuperable difficulty of imposing attitudes may be seen another way. Changes in codes are made not to capture the spirit of amateurism better but to compromise rules which have become unenforceable; officials give up and retrench.

Yet the amateur ideal is powerful and appealing, echoing the American tradition of the sanctity of the individual. It is clearly good to pursue sport for its own sake, defining oneself through performance and not reward. It would be appalling for an athlete to have the choice only of required calisthenics or big-money professional sport, without the chance to enjoy exhilarating physical effort and competition just because it's fun. Amateur codes must not limit or seem to deprecate the merit of amateur sport.

Examining the possible benefits and drawbacks of all amateur codes, there seem to be three categories of benefit:

(1) To afford athletes protection from commercial and other exploitation;

(2) To permit a certain moderation in competition and training; and

(3) To ensure some equality of opportunity between rich and poor in international competitions.

Questions may be raised about the worth or good sense of all of these. For example, in protecting athletes from business exploitation, have not amateur officials subjected them to their own kind of exploitation? The kind of "gentleman's agreement" to encourage moderation in training is totally at odds with contemporary training philosophy (which looks at physical realities—optimum amounts of work and rest—in deciding how much time and effort to put in). And in equalizing opportunity, the question might be raised: who needs money and time for sport more, the stockbroker in San Diego or the hod carrier in Tanzania? By restricting sport-related income, amateur codes can as easily perpetuate inequities as remedy them.

The negative aspects inherent in amateur codes are perhaps more stark. Amateur codes permit officials to control, rather than assist, athletes. The AAU's "moratorium" on international track and field competition during certain periods in 1974-75 was an attempt to force athletes to compete on the U. S. national team against their will. (See the Chapter on the sport of Track and Field in Volume II of this report.)

Given, then, that the benefits of amateur codes are very delicate and the dangers very real, it is crucial to examine all amateur codes for their consistency, reasonableness and application.

PRESENT INTERNATIONAL REGULATIONS

The IOC maintains an eligibility code, but grants the assorted international sports federations the power to enforce stricter amateur rules. The present Olympic Code includes:

1. Permission for athletes to:
   - A. Teach elementary sport;
   - B. Receive financial assistance during preparation and competition, administered through the National Olympic Committee (NOC) or national governing body (NGB) in accordance with International Federation (IF) rules;
   - C. Receive compensation for financial loss resulting from absence from work, not to exceed normal salary and authorized by the NOC or NGB ("broken-time" payments);
   - D. Receive prizes within IF limitations; and
   - E. Accept academic and technical scholarships.
2. Prohibition against:
   - A. Professionalism in any sport, or contract to such end;
   - B. Prior participation as a professional coach or trainer in any sport;
   - C. Advertising by person, name, picture sports performance or gain other than by an IF or NOC; and

D. Advertising material on an athlete's person or clothing in games under the patronage of the IOC.

Inconsistencies are rife, however, between the IOC's rules and those of some federations as well as between national governing bodies and their international organizations.

Pro-Amateur Competition

The subject of amateurs and professionals competing against each other in mixed competition, known as "contamination" or "tainting," has been endless grist for the mill of controversy. Even though no rule in the Olympic Code disqualifies an amateur from competing with non-amateurs as long as the individual does not receive financial reward or material benefit from his or her sports participation,[1] some IFs and domestic sports organizations establish more stringent requirements.

Some groups like the Federation Internationale de Natation Amateur (FINA), the international federation for swimming, prohibit all professional-amateur contact. A swimmer becomes tainted for taking part in an event in which a professional competes and is no longer eligible to compete in future FINA events.[2]

By contrast, the international federation for soccer, Federation Internationale de Football Association (FIFA), is designed to govern both amateurs and professionals. FIFA distinguishes three types of players: amateurs, who play without receiving any remuneration whatsoever, except, if required, reimbursement for stipulated expenses actually incurred; professionals, who receive payment for playing whether on a match fee, part-time or full-time professional basis; and non-amateurs, who are players under contract or license.[3] This distinction is used for purposes of international amateur competition and Olympic competition only. Thus, unlike swimmers, amateur soccer players may compete against or with professionals without losing Olympic eligibility.

Reinstatement

Reinstatement of amateur status after it has been lost is another example of the broad range of international rules. The international wrestling federation, Federation Internationale de Luttes Amateurs (FILA), states in its handbook that competitors who willfully infringe amateur rules shall be declared professionals and will on no account be reinstated as amateurs.[4]

On the other hand, Rule 103 of the International Skating Union (ISU) Handbook allows an individual who has been a non-amateur to be reinstated if he or she has not received gain for at least one year.[5]

FINA also permits reinstatement under the following conditions:

A. If special reasons or extenuating circumstances exist, a swimmer can be requalified as an amateur, though not until two years have elapsed since the breaking of the amateur definition; and

B. If such reinstated swimmer wishes to take part in international competition, the full facts surrounding the case shall be presented to the Bureau for such action as the Bureau may deem necessary.[6]

Time Limitations

A very few federations limit the number of days and/or the type of competition an athlete may take part in and still maintain his or her amateur status.

FINA limits the number of days during a year in which an amateur athlete may tour abroad.

> . . . During any period of 365 days such touring shall not, in total, exceed 30 days, but in calculating the latter period there shall be excluded 1) the period of the journey both ways, and 2) any time required by participation in a) Olympic Games, World Championships b) Championships of Continents or Regional Games and c) International contests.[7]

Exceptions to this rule, such as spending holidays abroad, may be granted in exceptional circumstances if authorized by the swimmer's national governing body.

Similarly, the International Handball Federation (IHF) limits the period of preparation (full training) for IHF competition to 60 days per annum.[8] The international federation for amateur archery, Federation Internationale de Tir a l'Arc (FITA), adds to Olympic rules the following qualifications for FITA-regulated events.

> (a) In any one calendar year, the period of preparation shall not exceed a total of 36 days, with not more than 18 days continuous organized, full-time training or coaching in any one period. Participation in target tournaments with assistance administered through the National Olympic Committee (NOC) or Na-

[1] Olympic Rules (1976), By-Law II to Rule 26 (p. 42).
[2] FINA Rule 49.2 (p. 32).
[3] FIFA Rule (1975-76), Article 1, (pp. 48-49).
[4] FILA Rule, Article 8, Definition of Amateur Status (p. 4).
[5] ISU Handbook, Rule 103 (p. 5).
[6] FINA Rule 51 (p. 34).
[7] FINA Rule 52(e) (p. 35).
[8] IHF Rule 6 (p. 34).

tional Archery Association (NAA) may not exceed 15 championships/tournaments whether international or national.[9]

Prize Money

Restrictions on the acceptance of prize money, comparable material awards or trophy restrictions also vary from federation to federation. One limitation imposed by the international weightlifting federation, Fédération Halterophile Internationale (FHI), prohibits "an amateur from converting prizes into money without permission of the national federation, or receiving prizes exceeding $100 in value." [10] The Fédération Internationale de Bobsleigh et de Tobogganing (FIBT) permits honorific prizes only; prizes in currency are strictly forbidden." [11]

Financial Assistance

The Olympic Code allows the amateur athlete three forms of assistance: money which comes directly from the NOC or national governing body (NGB), support from scholastic or technical scholarships, and money received as a broken-time payment, i.e. lost salary paid to an athlete for time spent in preparation or participation in Olympic competition.[12]

FHI (weightlifting) and FITA (archery) both follow the Olympic Code closely in this. However, FHI does restrict the length of time during which an athlete may receive assistance from his NOC or NGB to a period not to exceed 12 weeks a year for training and participation in competition under FHI rules.[13] FITA limits aid to 60 days per year. The type of scholarships available to an amateur lifter and archer is also restricted. "Scholarships granted in accordance with academic and technical standards are dependent upon the fulfillment of scholastic obligations and not on athletic prowess." [14] The Olympic Code merely states that a competitor may accept academic and technical scholarships without qualifying either classification.[15]

The international amateur boxing association, Association Internationale de Boxe Amateur (AIBA), does not permit broken-time payments:

> The acceptance of compensation, whether in money or in any other form, for loss of earnings while engaged in competitions or during preparatory training for competition whether by a boxer or by his dependents, shall be an infringement of the Amateur Definition . . . An amateur boxer may be reimbursed for expenses by the Association of the country which received the boxer in competition, but such reimbursement shall not be for more than 21 days in any year in any foreign country for the purposes of taking part in tournaments.[16]

FITA (archery) is opposed to broken-time payments except in deserving cases when authorized by the NOC or IF, and only for loss of salary or wages resulting from the competitors absence from work due to the Olympic Games or IF-approved international sports meetings.[17]

NATIONAL GOVERNING BODIES

Often, in addition to the Olympic Code and international federation standards of amateurism, athletes also must contend with the interpretations set forth by the national governing bodies of their sports.

The Amateur Athletic Union (AAU) is a multi-sport governing body that maintains its own code of amateurism which, for the most part, is applied uniformly to the eight Olympic sports it governs: boxing, bobsled, judo, luge, swimming, track and field, weightlifting and wrestling. However, there are discrepancies between international and national rules. The AAU Code makes a blanket prohibition against reinstatement for any persons who are disqualified by fraud, as amateurs. These persons may never regain their eligibility to participate as amateurs. However, those athletes that breach the AAU Code by accepting money, capitalizing on athletic fame, competing against ineligible persons, competing in unsanctioned events or other unspecified actr may be reinstated by the AAU under certain circumstances. This policy differs from those of at least two of the international sport federations with which the AAU is affiliated. For example, under international rules for both boxing and wrestling, an athlete who willfully infringes the amateur code shall be declared professional and will on no account be reinstated as an amateur.

On the other hand, in some instances the AAU Code as it applies to all eight sports is more restrictive than some international regulations. For example, the constitution and bylaws of both the judo and wrestling international federations impose no restrictions on the amount of compensation an athlete may receive for

[9] FITA Rule 227 (Appendix p. 16).
[10] FHI Rule, Article 21, 6(a) (p. 26).
[11] FIBT Rule XVI.
[12] There is an additional source of support for the athlete who is a member of the armed forces and is allowed to train while serving his or her country; this form of support will not be addressed here since the Olympic Code is silent as to whether it violates the definition of amateurism.
[13] FHI Rule 7(a), Article 21 (p. 27).
[14] FITA Rule 408, Section III, 3 (p. 28).
[15] Olympic By-Law II to Rule 26, A-4 (p. 42).
[16] AIBA Rule, Article 18, Section (2) and (4) (p. 16).
[17] FITA Rule 408, Section III, 5 (p. 28).

coaching or teaching competitive sport. AAU rules, in contrast, limit such compensation to 20 percent of an athlete's total income.

Another example of a national rule being more restrictive than the international regulation occurs in equestrian sports. International rules allow an amateur to ride, train and sell horses as long as they are not competition class horses. However, the American Horse Show Association, the NGB in the United States, prohibits the showing, training or selling of all classes of horses by an amateur who wishes to qualify for Olympic competition.

OTHER U. S. SPORTS GROUPS

Sport groups which are not governing bodies but impose their own rules of amateurism on competitors who wish to participate in their programs confuse the matter further. Failure to comply with these rules does not threaten an athlete's international standing as an amateur, but, in some sports it can prohibit him or her from getting the competition, training and coaching necessary to become an elite athlete.

College/University Athletic Organizations

A prime example occurs in basketball. The NCAA, which provides a major development program in U. S. amateur basketball, is not the NGB for basketball. Nevertheless, the NCAA prohibits outside organized basketball competition during the official collegiate season, unless special permission is granted by the Council of the NCAA. Violation of this rule will not destroy amateur eligibility for international or NGB competition, but failure to comply will make an individual ineligible to participate in the NCAA program and thus deprives the athlete of a principal means of development.

Another NCAA rule prohibits an individual from participating in all college sports unless he completes his seasons of participation within five calendar years from the beginning of the semester or quarter in which he first registered at a collegiate institution. Time spent in the U. S. armed services, on an official church mission, or in recognized foreign aid services of the U. S. Government are excepted. This NCAA rule, designed to limit "redshirting" and so bring about fairer competition, in large part restricts the age of amateur athletes. Under the Olympic Code, however, there is no age limit for competitors.

On the other hand, NCAA rules permit an athlete to be a professional in one sport and retain his collegiate eligibility in all others. This presents two sorts of problems. Many IFs and NGBs have no such rule, so the athlete's eligibility for open meets in those sports is lost. In addition, AAU rules state that competing against a professional is itself grounds for being declared ineligible. This is the aptly named "contamination rule." One can imagine the havoc it would cause if a single professional football player took part in a college track meet. All his competitors could be declared ineligible and then would jeopardize others in other meets. Within a few weeks the stain would have spread throughout the sport, disqualifying everybody.

Recently, another contradiction in the concept of amateurism was brought to light by Walter Byers, Executive Director of the NCAA. In a letter dated July 19, 1976, Mr. Byers stated that the NCAA Constitution prevents an athlete from accepting broken-time payments. The NCAA Constitution prohibits payment for participation which, according to the NCAA, includes broken-time payments. The Olympic Code, on the other hand, also prohibits payment for participation but supports the concept of broken-time payments.

The inconsistencies continue: The Association for Intercollegiate Athletics for Women, (AIAW), which administers national championships in twelve sports and is the major collegiate athletic association for U. S. women, maintains a rule that allows a student-athlete to receive up to $1,000 in prize money per year without losing her eligibility. However, the AIAW does recognize that an athlete may jeopardize her international amateur status if the money is accepted, and cautions its athletes accordingly.

High School Associations

The contradictions do not stop at the college level. State high school association eligibility rules are at times harsh on developing athletes and are as varied as the international, national and multi-sport group rules.

For example, the Mississippi High School Activities Association Handbook (1974-75) does not prohibit a high school student from competing outside the high school season. However, Minnesota high school rules do prohibit the participant in a team sport from playing on an independent organized team during the school year and in some sports during the summer.

CONCLUSIONS

The President's Commission concludes that in working for a fair, supportive environment for U. S. athletes, any body charged with giving

direction to amateur sport must address amateurism-related rules. Such a body should attempt to promote in all sports and in all forums, domestic and international, liberal uniform rules which comply with international regulations.

It is the sense of the Commission that the following rules should be amended, abolished, or implemented:

Finance

Aid

1. Broken-time payments, defined as compensation for time away from the job while training or competing, should be permitted in all amateur codes;
2. Technical Scholarships, the term in IOC rules for grants which may be given for the purpose of improving sports performance, should be not only permitted in all codes, but encouraged; and
3. Reasonable per diem expenses should be permitted all athletes traveling to or from competition and for its duration.

Revenues

1. Endorsements, defined as compensation paid to an athlete for the use of his or her name or photograph or statements in advertising, should be permitted in all codes;
2. Vocational restrictions, for example those prohibiting archers from being employed by archery equipment firms, should be abolished;
3. Honorariums, payment for public appearances or speaking engagements, should be permitted in all codes;
4. Try-out agreements, in which an amateur athlete attempts to demonstrate his worth to a professional team without signing a professional contract, should be permitted in all codes; and
5. Professional coaching should be permitted in all codes.

Participation

1. Professional/amateur competition, defined as that in which amateurs compete against professionals without penalty, should be permitted in all codes, thereby eliminating the "contamination" or "tainting" rules which declare an athlete ineligible if he or she competes in the same event with a professional;
2. A professional athlete in one sport should be permitted to remain an amateur in all others; and
3. Reinstatement rules should be allowed and made consistent throughout all codes.

DEVELOPMENT OF WORLD CLASS ATHLETES

America's sporting tradition is long and distinguished: over many decades U. S. athletes in a number of sports have rivaled all others for consistent victories and record-breaking performances. Our continuing success in world and Olympic competition has depended upon:

- A large population with a high per capita level of income;
- An educational system that promotes sports as part of the development of the "whole person";
- The explosion of sports facilities built by educational, commercial and municipal interests;
- A national consciousness of the importance of recreation, sport, exercise and physical fitness;
- Well-developed professional sports that are part of the fabric of American society, serving as goals and career objectives for youth as well as major attractions and entertainment for masses of spectators and TV viewers; and
- Attracting and developing top coaching talent.

While the record of U. S. performance remains unsurpassed for the time being, American athletes on the whole do not enjoy the dominance they once did. Perhaps this was inevitable, as other countries began to specialize in certain areas and to subsidize their national sports programs. However, it must be recognized that the status of sport in modern society is changing. Some countries treat athletic performance as an extension of national and political ideology. Moreover, sport on the international level has ceased to be the exclusive domain of the leisure classes, although the opportunity to take part is still tempered by one's ability to pay various costs (or to locate the necessary sponsor or subsidy) as well as by access to coaching, facilities and equipment.

United States world class athletes generally continue to do well, despite the international shift in emphasis from sport as an avocation to sport as a serious full-time pursuit. Yet they are being overtaken in certain areas for a variety of reasons.

Generally, the term "world class athlete" indicates those who have qualified for or participated in multi-national competition such as dual meets, world championships, the Pan American Games or the Olympic Games. Implicit in this definition is the idea that these senior class athletes have met a standard of achievement that compares favorably with the best athletes from other countries. (See the chart below, which shows the actual team size for the 1976 winter and summer Olympics.) The total number of U. S. athletes who have achieved or are on the threshold of achieving world class status – estimated at 8,000-10,000 athletes – is far larger than the Olympic team. This is the case as, in several sports, the U. S. has such depth-of-field that a number of additional athletes could be entered who would compete well in these events.

1976 U. S. Olympic Team Size
(Summer and Winter Games)

Sport	*Men*	*Women*
Archery	2	2
Basketball	12	12
Biathlon	6	–
Bobsled	12	–
Boxing	11	–
Canoeing and Kayaking	13	4
Cycling	15	–
Diving	6	6
Equestrian	10	4
Fencing	13	5
Field Hockey	did not qual.	–
Figure skating	7	8
Gymnastics	7	7
Ice Hockey	18	–
Judo	6	–
Luge	7	3
Modern Pentathlon	4	–
Rowing	37	31
Shooting	12	2
Skiing	27	13
Soccer	did not qual.	–
Speed skating	7	7
Swimming	27	24
Team Handball	14	did not qual.

Track and field	67	40
Volleyball	did not qual.	did not qual.
Weightlifting	11	–
Water polo	did not qual.	–
Wrestling	20	–
Yachting	16	–
TOTALS:	387	182
Summer Olympics	454 athletes	
Winter Olympics	115 athletes	
TEAM TOTALS:	569 athletes	

Obstacles that inhibit the development of world class athletes in this country fall into three categories:

– Training and developmental barriers;

– Economic barriers;

– Sociological/cultural barriers.

TRAINING AND DEVELOPMENTAL BARRIERS

Few programs in this country are geared to identifying and encouraging talented youngsters at an early age. Further, there is little uniformity of opportunity as an athlete moves from one school or club to another, or from one region of the country to another.

Often the quality of coaching is spotty and haphazard. In some sports barely rudimentary instruction is available; in others, there is vast disparity in levels of coaching from region to region. Coaching practices, for the most part, are not standardized nor are coaching skills certified in most sports. There are virtually no sports institutes such as those in Europe. Only selected universities have comprehensive programs designed specifically to teach coaches to coach, that is, give them a broad background in physiology, body conditioning, sports medicine, nutrition and other related areas, as well as theory and specific techniques in their individual sports. Similarly, judges, officials and other workers often do not receive adequate training or periodic testing, all of which can work to the detriment of the athletes.

One of the key impediments to U. S. athletes is the lack of facilities in some sports or restricted access to existing facilities in others. Some athletes are forced to train abroad because of a combination of inadequate facilities and coaching in this country. Women athletes, particularly, face innumerable restrictions that men do not in terms of the quality of coaching and facilities and the number of programs available to them. For example, in 1974-75, women's athletic budgets at major public universities typically represented between four and seven percent of the institution's total athletic budget (on the average $22,400 out of $312,500).

Sports medicine and the proper physical and medical care of athletes has not been developed in the U. S. to the degree it has in Europe. Excellent work is being done in this area, but there is no system for collecting the information available and disseminating it to the athletes through their coaches. Periodic testing of athletes for physiological and psychological strengths and weaknesses is only beginning to become part of the usual training program.

Scarcity of frequent, top-level competition is a critical problem in some sports; U. S. athletes often must travel abroad to get the necessary "seasoning." Sometimes American athletes are at a disadvantage in international competition because their sport is played under substantially different rules domestically. This lack of familiarity with international rules can interfere with the performance of U. S. athletes in major international championships.

Team sports run into special problems. One has to do with recruiting practices: too often all-star teams are put together at the last minute with athletes from around the country. Frequently, they have not had the training as a unit that foreign teams have had. In many sports, foreign national teams will have trained together for a number of years. Furthermore, foreign teams do not have to worry about professional leagues signing the best Olympic or national team members out from under them. In the United States, this is a problem – particularly in basketball and ice hockey. Moreover, keeping teams together until players reach their athletic peak – which often is not until age 28 or 30, well past their college years – is difficult in American society where amateur sports are not considered a profession.

ECONOMIC BARRIERS

Many potential and proven world-caliber athletes in this country quit, simply because they and their families cannot afford the costs of training and competition, or cannot afford to forego the income from a steady job to go on competing.

Many foreign athletes with proven performance records receive heavy subsidies from their government and sport clubs. Such funds often cover more than direct training costs. U. S. athletes, on the other hand, seldom have this luxury. Other than military athletes and athletes on scholarship, few American competitors receive direct financial assistance, except in those rare instances when they are representing the U. S. abroad as part of a national team.

The chart below indicates that U.S. athletes tend to be younger than foreign athletes in international competition, a significant factor in placing the U.S. at a disadvantage in sports in which peak performances typically occur in post-collegiate years, (e.g., wrestling, hockey).

Age Level for World-Class Participants by Sport

Summer sports	*U.S. athletes*	*Foreign athletes*
Archery	2 & 3	3
Basketball	2	3
Boxing	2 & 3	3
Canoeing and Kayaking	3	3
Cycling	2 & 3	3
Equestrian	3	3
Fencing	3	3
Field Hockey	2 & 3	3
Gymnastics	1 & 2	1 & 2 & 3
Judo	3	2 & 3
Modern Pentathlon	3	3
Rowing	2 & 3	3
Shooting	3	3
Soccer	2 & 3	3
Swimming	1 & 2	1 & 2 & 3
Diving	2 & 3	3
Water Polo	3	3
Team Handball	3	3
Track and Field	2 & 3	2 & 3
Volleyball	3	3
Weightlifting	3	3
Wrestling	2 & 3	3
Yachting	3	3
Winter sports		
Biathlon	3	3
Bobsled	3	3
Figure Skating	1 & 2	1 & 2 & 3
Ice Hockey	2 & 3	3
Luge	3	3
Skiing	2	2 & 3
Speed Skating	2 & 3	2 & 3

LEGEND:
1. Pre-collegiate (ages 13-17)
2. Collegiate (ages 18-21)
3. Post-collegiate (ages 22-40)

High school and college athletes have an easier time of it, because the family or their educational institution provides low-cost housing and food; facilities and coaching are usually made available at no cost. However, post-collegiate athletes have few of these supports to help them continue training and competing. (The charts on the next two pages show the involvement of high schools and colleges in Olympic sports development. They indicate that such institutional programs are not so far ranging as might be expected; in fact, a majority of so-called "minor" sports rely almost entirely on sports clubs for development.)

The most critical problem facing established sports clubs is a lack of funds to support development programs or to provide assistance to athletes suffering severe financial hardships while training and competing in their sport. Facilities may be the foremost problem in *establishing* a club in the first place. Following are specific examples of different types of clubs.

Large City Athletic Clubs

The large city athletic clubs have historically been primarily geared to the businessman who works downtown. In the larger metropolitan areas, many of the downtown clubs retain this emphasis although most now open their facilities to women. Because of the age of their membership, there is little, if any, emphasis on training or developing national or world class athletes. There are, of course, a few notable exceptions, for example, the New York Athletic Club. Many of these clubs are changing to a more family-oriented type of club, particularly in the smaller cities. Family-oriented clubs tend to have competitive sports programs for the children of the members.

These athletic clubs have all the financial problems that are involved in competitive programs and a few have gone bankrupt in the past decade. Members of these clubs are potential financial supporters of amateur sports, even if their particular club does not have a competitive program.

Major Clubs

Clubs in this category are those that have produced several Olympic athletes for the past two Olympics. They may be private clubs with facilities for one sport, private clubs supported by community development companies, all-volunteer organizations and others. Some of the most successful clubs in Track and Field (for example, the Florida Track Club, the University of Chicago Track Club and the Oregon Track Club) have benefitted from close working relationships with educational institutions. In such cases, facilities are not regarded as major problems, but all these organizations have problems with financial support for athletes, international-level competition, training camps and development programs.

Local Sports Clubs

Local clubs range from commercial, for-profit corporations that believe their competitive teams provide excellent publicity for their physical fitness spas to all-volunteer organizations. All appear to be rather successful operations.

Problems identified by these clubs include the need for financial support of national level com-

petitors and liaison with local high schools in coordinating programs. In most cases, the clubs are able to raise sufficient funds to send their athletes to appropriate competitions. The financial problems are primarily with the expenses incurred by the athlete in order to train properly, whether this be time lost from a job, costs of coaching and facilities, or not being able to afford to attend college while training.

Athletes with part-time or full-time jobs are often penalized for the time they must be away for training and competition. Some cannot hold jobs because they are considered "bad risks" by employers. Few companies assist athletes by taking advantage of broken-time payments allowed under international rules, whereby athletes can be reimbursed by their employers for time missed from work for actual competition or preparation.

A rising obstacle to amateur sports in the U. S. is the liability factor for those who operate programs and facilities, whether scholastic, municipal, or private. A few sports, for example, boxing, have been dropped from high school and college athletic programs because of perceived high injury rates, although it is hard to build such a case given the widespread, sustained injuries of sports like football or ice hockey. Other sports, like gymnastics and trampolining are not offered by as many schools and sports groups as they might be, due to the serious nature of some accidents and the heavy lawsuits that could ensue. Moreover, the rising rates for liability insurance coupled with escalating energy prices mean that the true costs of operating sports facilities of any nature are getting out of hand—and many sports groups that own or rent time at facilities are being priced out of the market.

Degree of Involvement of High School Programs in Olympic Sports Development*

Sport	*Varsity Programs in 4,000-20,000 schools*	*Sports programs in 100-3,000 schools*	*Sport Club activity*	*No Involvement*
Archery				x
Basketball	x			
Biathlon				x
Bobsled				x
Boxing				x
Canoeing and Kayaking				x
Cycling				x
Diving		x		
Equestrian				x
Fencing		x		
Field Hockey		x (women)		
Figure Skating				x
Gymnastics		x		
Ice Hockey		x		
Judo			x	
Luge				x
Modern Pentathlon				x
Rowing				x
Shooting		x		
Skiing		x		
Soccer		x		
Speed Skating				x
Swimming	x			
Team Handball				x
Track and Field	x			
Volleyball	x (women)	x (men)		
Weightlifting				x
Water Polo		x		
Wrestling	x			
Yachting				x
TOTALS	5	10	1	16

*Source: NFSHSA sports participation figures.

Degree of Involvement of Collegiate Programs in Olympic Sports Development*

Sport	*Varsity Sport programs in most schools*	*Sports programs in a limited number of institutions*	*Sport club or intramural activity*	*No involvement*
Archery			x	
Basketball	x			
Biathlon				x
Bobsled				x
Boxing			x	
Canoeing and Kayaking			x	
Cycling			x	
Diving	x			
Equestrian				x
Fencing		x		
Field Hockey		x (women)	x (men)	
Figure Skating				x
Gymnastics		x		
Ice Hockey		x		
Judo			x	
Luge				x
Modern Pentathlon				x
Rowing		x		
Shooting		x		
Skiing		x		
Soccer	x			
Speed Skating				x
Swimming	x			
Team Handball			x	
Track and Field	x			
Volleyball		x		
Weightlifting			x	
Water Polo		x		
Wrestling	x			
Yachting		x		
TOTALS	8	10	8	7

*Source: NCAA, NAIA, AIAW, NJCAA sports participation figures.

Many American athletes feel pressured into early "retirement" for economic reasons or because of societal or family demands that they begin their career. Unfortunately, in the United States, amateur athletics pursued beyond the college years usually means the loss of income and at least the postponement of families, jobs, careers, promotions and further education.

Athletes know of these difficulties. Those who continue on in spite of them *choose* to do so; no one forces them. In view of this sort of determination to succeed, it seems to many of them that the least the country can do is provide the minimum necessary facilities and support.

SOCIOLOGICAL AND CULTURAL BARRIERS

Athletes often run into additional problems because of the strain their activities put on the family unit and because of certain perceptions or predispositions society has about sports. Certainly amateur sports suffer in an environment where being "professional" and earning a large income are important social values.

Due to the time and cost of pursuing athletic excellence, athletes and their families are often faced with unusual stresses. In many cases, to find adequate coaching and facilities for training, young people must live away from home. Parents are then faced with dilemma of being forced to split up, the father to keep the job going at one end and the mother to provide chaperoning and a semblance of home life for their young athlete at the other. Other children in a family are sometimes called upon to sacrifice academic and other opportunities in order to further an athlete's career.

Another barrier: amateur sports do not enjoy the same prestige or status as professional sports. Newspaper space, TV coverage, and public interest (as judged by crowds at amateur

competitions) give short shrift to amateur athletes. Exceptions are college football, basketball and the once-every-four-years spectacle of the Olympic Games. So much emphasis is placed on two sports—football and basketball—in athletic programs at educational institutions by the media and the general public that many of the best potential athletes naturally drift in this direction. The same glamour is not associated with the other sports, nor is there an equal opportunity for talented athletes to make well-paying careers out of most other sports.

Losing the disputed basketball Gold Medal at the 1972 Munich Olympics took on proportions of a national catastrophe. That was "our" sport. However, the fact that the U. S. seldom, if ever, wins a medal in half the Olympic sports seems seldom, if ever, to cause consternation. So what, if the U. S. has never won a medal in soccer, volleyball, team handball, biathlon or luge? So what, if the U. S. has failed to win a medal in over 20 years in fencing, cycling, bobsledding, field hockey, men's canoeing and kayaking—and just ended a 44-year drought in gymnastics, and a 52-year bust in Nordic skiing?

The American public expects our athletes consistently to do well internationally in basketball, track and field, swimming and boxing, but what about some of the other sports? Should the U. S. expect other countries to play "our" sports and not be willing to participate whole-heartedly in some of the sports that are the favorites of other nations? The athletes certainly are willing. There are no more dedicated, spirited athletes than those participating in America's neglected sports. A balance has been missing between the sports in which U. S. athletes by training and tradition naturally do well, and the others for which there has been little commitment or public support.

The so-called minor sports, those which are not included on college programs or do not have a wide following, have always had to struggle to survive. Circumstances and poor organization have prevented the national governing bodies, U. S. Olympic Committee or other national groups from developing programs for these sports in the schools, in clubs, or promoting a general following within the public and the media. Largely as a result of this neglect, the U. S. continues to fare poorly in international competition in these sports. The table below divides the Olympic sports into three categories—developed, emerging, and underdeveloped—depending on such factors as team success in international competition, participation base, availability of coaching and facilities, and public interest. Note the strong correlation between

	Team	*Individual*
Developed Sports (11 sports; 6 professional)	Basketball* Yachting**	Boxing* Diving Equestrian Figure Skating* Shooting Skiing (alpine)* Swimming Track and Field Wrestling (free style)*
Emerging Sports (10 sports; 3 professional)	Ice Hockey Rowing Soccer*	Archery* Cycling† Gymnastics Judo* Skiing (Nordic cross country) Speed Skating (sprints) Weightlifting
Underdeveloped Sports (13 sports; 1 professional)	Field Hockey Team Handball Volleyball* Water Polo	Biathlon Bobsled Canoeing and Kayaking Fencing Luge Modern Pentathlon Ski Jumping Speed Skating (long distances) Wrestling (Greco-Roman)

*Sports that have professional teams, leagues, shows or other professional outlets.
**One Olympic class, the Finn, has a crew of one; the remaining five classes have crews of two or more.
†Although there is a well developed pro-cycling circuit in Europe, there are not the same professional opportunities in this country.

the development of a sport in this country and whether or not there is a professional league or outlet for the athletes.

Some sports have been subdivided since not all aspects of the sport have kept the same pace of development. Alpine skiing, for example, is classed as developed while Nordic skiing is emerging and ski jumping is underdeveloped. In the same vein, track and field, though a highly developed sport, includes some events such as the hammer throw which would have to be considered emerging or underdeveloped events.

Women athletes, particularly, run into special roadblocks put up by public opinion. The myth that sports are somehow not feminine is the traditional restraint to wider female participation. As a result, women do not have the same access to coaching, facilities, programs, scholarships and funding as men. In addition, there are virtually no professional outlets for women athletes except tennis, golf, skiing, ice shows and a few limited coaching positions.

CONCLUSIONS

All the barriers mentioned take their individual and collective toll. The result is that the base of participating athletes in any given sport is much narrower than it might be otherwise. Only a fraction of the available athletes break through the constraints put upon them by economic and training conditions and societal norms. As a consequence, the United States, with its vast wealth and potential talent, comes nowhere near developing the number and variety of world class athletes commensurate with its size and sporting traditions.

Many solutions to these problems are discussed in other sections of this report – financing amateur athletic efforts, solving jurisdictional disputes, insuring a cohesive national program, changing practices and policies within various sports organizations, programs in the areas of sports medicine and enhanced opportunities for women. Nevertheless, certain additional objectives that would begin to solve the plight of many U. S. athletes need to be mentioned:

- Regional training centers to provide easy access and prime coaching to all athletes; and sport institute(s) to serve as centers for training and developing coaches and officials;
- Coordinated development programs between clubs and schools so there is continuity in the training of athletes as they move through their careers;
- Strengthened club systems to bolster all sports programs, to coordinate with existing school programs, and to provide needed training opportunities for post-scholastic athletes;
- Development of national teams and hiring of national coaches on a continuing basis, whenever practical, to provide a focal point for sports activity, to insure continuing training and development for top athletes, and to serve as a means for designating individuals who are eligible for other specialized benefits such as travel insurance and equipment;
- National priorities for the construction of new facilities in those sports where there are shortages;
- Introduction of more sports into the school and educational system when economically feasible; or area specialization whereby regional or state priorities are set to encourage school involvement, in particular, minor sports;
- Easier access and accommodation to clubs seeking to rent school, municipal or private sports facilities on a user-fee basis; (The basic arguments for such rentals are:
  - -Most school facilities are public property, built with taxpayers' funds;
  - -Improved community relations through such rentals would assist in voter approval of school budgets and bond issues;
  - -Rental fees may well permit the schools to operate broader, better programs.)
- Standardized tests and requirements for certification of coaches, judges and officials, as well as continuing requirements for upgrading or maintaining given ratings;
- Standardized rules of play, wherever practical, to conform to international rules in each sport;
- Improved cooperation between amateur and professional sports groups, so that international teams are not undermined by recruiting practices;
- Broken-time payments accepted more widely by employers for nationally-ranked athletes;
- The media encouraged to provide greater exposure for lesser-known sports.

POTENTIAL ROLE OF THE U.S. MILITARY IN AMATEUR ATHLETICS

OVERVIEW

Olga Korbut practices her gymnastic routines as a lieutenant in the Russian Army, although she has no other apparent military duties. In fact, a majority of the athletes on the Russian Olympic team are members of the Soviet military.

Captain Micki King of the U.S. Air Force spent a significant amount of duty time preparing for the 1972 Olympics in Munich, where she won the Gold Medal in three-meter springboard diving. Unlike Korbut, however, King had other military duties and saw herself as an officer with career potential. Herein lies the difference between the role of the U.S. military in support of international amateur sports and the role of the military in many other countries.

Certainly many countries view participation in international amateur sports as an instrument of national policy. Accordingly, military forces in these countries view development of world class athletes as part of their mission.

The Armed Forces of the United States have chosen not to adopt this posture toward international amateur athletic competition. Neither the U.S. Congress nor the President has charged the military with this mission, nor has the military chosen to adopt a more active role in international amateur athletic competition within the authority granted it under existing statutes.

Although a change reflecting the goals and objectives of other countries' sports programs would be inconsistent with our national view of amateur athletics and the military's traditional place in our society, the Commission does recommend that the President, the Congress and the Department of Defense (DOD) re-examine the extent to which existing military policy toward amateur sports may be modified. It is the Commission's belief that the military's athletic programs can be altered—within existing statutes and consistent with the military's mission—to yield positive results for the military in the areas of recruitment, image enhancement, morale improvement and other tangible and intangible benefits.

The role of the American Armed Forces in amateur sports is not new. Up to 20% of the U.S. Olympic teams of 1960 and 1964 were composed of athletes who were then in the U.S. military. All of them had been athletes prior to joining military service. Some had been world class athletes beforehand while others became world class because of the opportunity they received to develop their athletic skills to the fullest.

Today, however, the degree of U.S. military contribution to amateur sports at the elite level has drastically declined. In 1976, military athletes made up only 6% of the Olympic team.

There are several reasons for the decline. With the end of the military draft, fewer pretrained athletes enlist or become officers in our Armed Forces. In addition, programs providing support for world class athletes or teams have been purposely de-emphasized. Of the Special Services budgets, a smaller percentage now goes to sports programs. Since 1955 the spending ceiling authorized under Public Law 11 [1] to support national and international competition has remained at $800,000 per quadrennial, for all four services and the reserves. In recent years, the DOD budget has come under increasing Congressional scrutiny which, in turn, has caused the military to be timid of embarking on expansionary programs in areas not directly related to its mission.

CURRENT PROGRAMS

Interservice competition is coordinated through the Interservice Sports Committee (ISC), composed of one representative from each of the services. The ISC coordinates competitions, but has no control over sports programs within the services. It acts for the DOD but does not set policy for military sports programs, operate facilities or function as advisors to base or com-

[1] Public Law 11, 69 Stat. 11, March 14, 1955 (recodified as 10 U.S.C. 717).

mand level sports programs.

A 1968 DOD Directive, based on Public Law 11 and establishing this committee, re-emphasized the role of the Armed Forces in interservice, national and international competition. Most Public Law 11 money is spent to field teams for the international military games, conducted by Counseil International du Sport Militaire (CISM), and to hold training camps and championships in the various CISM sports.

CISM is an international organization formed in 1948 to provide for athletic competition among the military commands in five European countries. The United States joined in 1951. Currently, military representatives of 68 countries compete in 26 sports. The CISM program includes 19 Olympic sports. Eight are directly related to the martial arts: judo, boxing, wrestling, shooting, modern pentathlon, weightlifting, fencing and horsemanship.[2] Of the seven non-Olympic sports, five are military in origin: international aeronautical military pentathlon, naval pentathlon, military pentathlon, orienteering, and parachuting.[3]

Each service is responsible for implementing physical fitness programs. While major command and interservice sports programs are established at the national level, intramural and recreational programs for off-duty military personnel remain largely within the purview of local commanders. As a result, capable athletes at many bases and aboard many ships fare well in terms of opportunities to compete while in other commands, potential international caliber competitors lack adequate opportunity for competition and development.

Military cooperation regarding civilian use of military facilities for competitive sports training is inconsistent. On one hand, the Army operates two training centers available to non-military personnel. These are the Modern Pentathlon course at Ft. Sam Houston, Texas, and the Army Marksmanship Unit at Ft. Benning, Georgia. The Army also maintains the Civilian Marksmanship program, designed to develop shooting skills in young athletes and to organize competitions at all levels. Military athletes, coaches and trainers also are lent occasionally to civilian programs to conduct clinics.

On the other hand, this type of assistance is rare. Granting civilians permission to use military facilities is not general military policy, although there are exceptions such as the Marine Corps Relays at Quantico, Virginia. Further, current regulations prohibit the use of military aircraft for non-defense purposes. Service athletes are seldom able to use military air transport because flights are not regularly scheduled, and civilian access to these flights requires the ultimate permission of the Secretary of Defense.

A unique aspect of the military sports program is the role of the service academies. In accordance with their mission to produce well-rounded career officers, the academies offer programs in many sports. Like other major American universities, the academies contribute to the development of many Olympic and Pan American competitors. Because they form a separate element in the military's role in sports and because they are more akin to a university athletic program, they are not treated in detail in the report. The academies are members of the National Collegiate Athletic Association (NCAA).

COMMISSION RECOMMENDATIONS

Change in National Policy

Perhaps the most fundamental recommendation is that the military's recruiting effort in support of its general mission become the basis for supporting the training and competition of world class athletes. Public Law 11 should be reinterpreted to express this wider mission, either through a statement by the Congress or through specific revision. In addition, sufficient funds to support this expanded mission should be directly appropriated by Congress to the DOD Sports office (see below).

DOD Organization of Sports

As military sports programs are now organized, no one office or person is in charge of coordinating activities, setting policy and establishing priorities for the entire Armed Forces sports program. Each service implements its own regulations and priorities. While this autonomy is both logical and traditional, it is the Commission's belief that a coordinated Defense Department-level policy-making body, supported by each armed service, should be established to coordinate policy in such matters as construction of sports facilities and development of priorities for funding sports programs.

The Commission recommends that the Secretary of Defense, through an Executive Order, establish a Sports Office at the Department level to coordinate, oversee, and set policy for interservice, national and international sports programs.

One of the first tasks of such an office would

[2] The other Olympic sports are bobsled, basketball, soccer, track and field, swimming, cycling, skiing, field hockey, rowing, volleyball, and kayaking.

[3] The other non-Olympic sports are cross-country and squash.

be to evaluate current priorities within military sports programs to ensure that a balance is struck among all international level programs, including, but not limited to CISM games. The office should set general sports program policy for all services and for DOD funded efforts such as the Civilian Marksmanship program. This office should also act as a focal point for liaison with civilian sports programs and organizations.

Use of Military Personnel

Athletes and coaches should be used more frequently in recruiting. Hiring or inducting world caliber sports people into the Recruiting Command and using their talents in clinics and lecture tours, as well as for advertising of every kind, should enhance the military image and result, ultimately, in increased enlistments. Military athletes on the U. S. Olympic team, especially medal winners, should be employed to strengthen the image of the Armed Forces.

The military could also assign coaches, trainers and athletes to temporary duty with a national team, training program and/or a community-based program. For example, a military coach or trainer could be assigned to a national team during the training period prior to the Olympics. Or, military sports personnel could be assigned to work with local communities, both domestically and abroad, to teach local coaches how to work with the physically and mentally handicapped.

Working from another direction, the need for talented sports people—coaches, trainers, administrators—within the Armed Services may go beyond the personnel already employed by the military. When existing billets open up or new billets are created in appropriate areas, the military should actively seek qualified current civilian coaches, trainers, athletes and administrators to fill these positions.

Use of Military Facilities

Access to Operational Bases/Stations

The Commission does not wish to advocate a program of full-fledged military sports facility construction or renovation. It does, however, advocate increased access to existing facilities. Current regulations stipulate that civilian programs shall not interfere with military programs; nonetheless it is in the military's best interest to make certain facilities available to local communities, and specifically to Olympic athletes, on a scheduled, non-interference basis.

In interviews with the staff of the Bureau of Outdoor Recreation, Department of the Interior, instances of civilian access to outdoor recreation sites on military bases were mentioned as being highly successful (e.g., Elgin AFB, Florida; and McCord AFB, Washington). Civilians were allowed to use portions of the bases as park land while in return the military built up its store of goodwill in the community. A DOD Directive (5500.5), issued in 1965, grants public access to military lands and waterways provided it does not interfere with the mission of the particular bases.

This Directive does not, however, deal with access to sports facilities such as playing fields or gymnasiums.

Access to Inactive and Closed Bases

Many military bases are now inactive or permanently closed. Many sports programs have difficulty finding adequate facilities for training clinics and offices. Almost every Olympic sport has expressed to the Commission a desire for a permanent training site for elite athletes.

The Department of Defense retains control over its properties until they are officially declared excess. Excess military installations are turned over to the General Services Administration (GSA) of the Federal Government for disposition. The GSA then offers the property to other federal departments and agencies. If no federal department indicates an interest, the property is declared surplus by GSA. At that point, civilians may acquire the property through public auction. However, the Bureau of Outdoor Recreation (Department of the Interior) often takes over these properties before they are declared surplus and makes them available to communities for recreational purposes. Similarly, the Department of Health, Education and Welfare (HEW) and other federal agencies offer communities the opportunity to obtain such property for educational, health or other programs.

Few Americans have a working knowledge of this process. The Commission recommends that the national sports governing bodies make a concerted effort to learn about these programs and consider the properties involved as a source for training and administrative office sites.

Air Transport

Air transport is another possible source of military support. Current DOD regulations (4515.13R, 4500.9, among others) stipulate that military air transport shall not be provided for anything other than defense purposes. In addition, Civil Aeronautics Board (CAB)[4] regula-

[4] See also discussion of CAB regulations prohibiting special consideration of civilian athletes' transportation needs in the Volume II section of this report on financing amateur athletics.

tions and DOD regulations state that the military shall not be in direct competition with civilian airlines.

Military athletes travel on commercial airlines most of the time. When whole teams are transported the military charters civilian planes, either through regular charter companies or through general airlines such as Pan Am and TWA.

Congressional action or an Executive Order to alter these regulations is suggested. Providing scheduled use of military aircraft to transport civilian and military athletes, coaches and equipment would help to defray personal costs, an especially heavy burden for the non-school or post-collegiate athletes.

SUMMARY AND CONCLUSIONS

Thus the Commission recommends several changes within the military: (1) an expansion of its current mission of recruiting as a basis for encouraging and supporting world class athletes and competition; (2) an expansion of the interpretation of PL 11, along with an appropriate increase in funds, to emphasize the expanded mission; and (3) creation of a DOD-level Sports Office. Corollary recommendations—the use of military resources, personnel, real and improved property and air transport—are all methods of carrying out this expanded mission.

Benefits derived from these changes should rapidly become manifest within the military and in the nation as a whole. While contributing to the national sports effort, the military would serve its own ends by providing attractive recruiting programs, improving its overall image and fostering an exchange of knowledge between elements of the civilian and military communities.

Ultimately, the nation will benefit by being better able to field athletes to compete successfully in international arenas.

WOMEN IN SPORTS

Maren Seidler, the U. S. record holder in the women's shot put, was the subject recently of a generally favorable article in a weightlifting magazine. Response, in the form of stacks of letters, was mixed. "Some people said I was crazy," reported the amiable Seidler. "Some said I was no credit to my sex, to femininity. But others offered to send money to help me train, and one guy wanted to do what sounded like a pornographic weightlifting book." [1]

The role of women in all areas of our society currently is undergoing critical scrutiny. Women's participation in sports is one aspect in the midst of radical upheaval, partly because women are demanding more opportunities to participate and partly because society's perception of women athletes is changing. Sports opportunities for girls and women are now increasing at all levels of the school/college community, spectator interest in women's athletics has increased, professional athletic opportunities for women are on the rise, media coverage of women's intercollegiate and professional sports is becoming more extensive, and institutions either desire or are forced to comply with the mandate of Title IX of the Education Amendments Act of 1972.[2]

Nevertheless, while great improvements are being realized and many inequities in athletic programs are being eliminated, opportunities for women in these programs still fall far short of what is wanted and needed. Most girls and women—the 10-year old baseball player who must participate on a boys' team in order to play at all (providing it is even lawful to do so); the co-ed swimmer who cannot practice in her university's multi-million dollar facility or have access to a coach; and the professional who finds it difficult to earn a living in the sports field—are still justified in believing that the American system of athletics is less than completely fair and equitable.

A classic, oft-cited observation from *Sports Illustrated* noted the widely-held notion that sports are good for people because they contribute significantly to the development of better citizens, build healthier and more vigorous bodies and minds and promote a better society. The article goes on to say, however, that when it comes to practicing what is preached, females—more than half the population—often find that this philosophy does not apply to them. In effect, "sports may be good for people, but they are considered a lot gooder for male people than for female people." [3] It can still be documented that most inadequacies in sports programs or barriers encountered by athletes are more acutely felt and more difficult to overcome for women athletes.

A number of major issues now confront women in athletics. The issues are both clouded and caused by pervasive misconceptions of what women athletes want and need to pursue their goals and objectives. Old medical and moral myths are perpetuated, and women continue to be excluded from the critical process of deciding the "right and proper" course of action for women in most areas of sports. Programs exist or don't exist according to preconceived notions which question a woman athlete's physical abilities, morals and motives. The inequities and discrimination so long unchallenged continue to retard the country's athletic efforts and to damage the sports environment. Barriers in organization, financial support, facilities, training and coaching combine in any number of ways to prohibit the optimum development of women in sports.

The foremost issue is that women lack significant organizational influence. They play virtually no role in the structures which formulate athletic policy and implement programs. Only a handful of women have ever been officers of any national governing bodies, of the AAU, or of

[1] Interview with PCOS representative, November 1976.

[2] Title IX prohibits sex discrimination across the board—from the admission of students, to the treatment of students once they are admitted, to the employment practices of an institution. It is the only sweeping federal law that prohibits sex discrimination against students.

Title IX provides that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

[3] *Sports Illustrated*, May 28, 1973, p. 90.

groups at the high school and collegiate levels. Where women are involved as coaches or administrators, their numbers are small and the authority and responsibility granted them is often significantly less than that accorded men. Consistent efforts are not made to provide the incentives and training needed to move women into positions of athletic administrative power at schools and universities, nor do women have significant input at any level of the sports community – from local clubs to national governing bodies.

Funding is another area in which women's programs suffer great inequities. Developmental and participation activities for women athletes receive much less financial assistance than do men's activities. According to any scale of measurement – absolute or relative, in substance or in kind – women's programs in most cases do not get an adequate or equitable share of the pie (further illustrating the absence of women on the councils which decide how available monies will be spent). For example: The women's athletic budget at a major American university is now a seemingly healthy $227,816, up from $18,000 two years ago. However, it is still paltry compared to the nearly $4 million total athletic purse. There are instances in which effective changes are being made with respect to establishing a more equitable system of priorities for dollar allocations, the number of sports offered, and the scholarships provided to men and women, but they are certainly rare exceptions to the rule.

A general lack of parity for women athletes exists also when it comes to facilities and equipment. Facilities for women are either lacking completely or access to those shared with men's programs is severely restricted. Examples include schools at which women are allowed to use the gym only when the men do not, perhaps from midnight until 8 a.m., or at which women are not provided such things as uniforms or transportation to games, while men receive both. In numerous instances, women athletes have no access to training rooms.

In addition to gross deficiencies in influence, funding and facilities, women athletes are hindered by a general lack of well-structured programs and services. The number of participation opportunities, the types of activities and the levels of competition offered are usually far short of what is needed. Further, the medical, educational and training assistance for those programs is often extremely inadequate and little effort is being made to remedy the situation.

SUMMARY AND CONCLUSIONS

Discrimination still operates against women athletes in this country, particularly in terms of organizational influence and authority, access to facilities and equipment, financial assistance, and opportunities for recreational and competitive programs. Women are prohibited by law, regulation, tradition, or hostility from receiving either an equitable or adequate share of athletic resources and opportunities. Further, as Maren Seidler pointed out, a woman participating in sports is very likely to be subject to subtle, or not so subtle, social and psychological pressures. Nevertheless, changes are occurring, as indicated by the creation, implementation and enforcement of Title IX of the Education Amendments Act of 1972. This federal law was designed to identify the needs of women in educational institutions and to establish standards which would ensure equality of opportunity. Athletics are especially emphasized in the regulations to implement the law, although few specific actions are mandated. In fact, the regulations grant institutions considerable flexibility in developing non-discriminatory athletic programs tailored to meet the needs of participants. Regulations do not require the duplication of men's programs for women, nor is it mandatory to offer exactly the same sports in exactly the same fashion for both women and men. Additionally, Title IX does not automatically equate equal opportunity with penny-for-penny expenditure. Rather, it requires *overall* equality of athletic opportunity, with specific athletic programs being determined primarily by the interests and abilities of women and men participants.

Although Title IX is undergoing challenge in the courts in an attempt to further clarify the meaning of the regulations, it is an encouraging attempt to address the problems of women in sports and to effect solutions. The Commission supports the non-discriminatory intent of Title IX. Accordingly, it recommends that the central sports organization (CSO), once established, give high priority to the many issues concerning women's role in athletics. The CSO should immediately seek to develop methods to ensure that women play an equitable role in all aspects of sport with reasonable opportunities for participation. As well, the CSO should take an active part in creating programs to establish a fair and healthy sports environment for all.

As an example, some specific elements of the CSO's national policy regarding women in sports might include such things as:

- A program to educate the general public to eliminate the old myths and effect a change in attitudes toward women athletes;
- The establishment of programs (grants,

loans, scholarships, clinics, seminars, etc.) to provide women with both participation opportunities and careers in sports by encouraging appropriate training and equal hiring/employment practices; and

– Ensure that all athletic planning and policy decisions and established sets of criteria (such as franchise requirements and funding qualifications) are consistent with the ultimate objective of assuring that discrimination is eliminated in the treatment of women's programs.

THE HANDICAPPED IN SPORTS

– At the final buzzer with the score 75 to 69, the high-point man for the winning basketball team had contributed a total of 25 points to the effort.

– The fastest quarter mile time at the track meet was under :47; and the winning high jump was well over 6 feet.

– The fourth place finisher in the intermediate hurdles during the 1968 Olympic Games just missed winning the Bronze Medal in a race so close that the results had to be determined electronically.

– Narrowly escaping defeat several times in his last matches, Maestro managed to execute some beautiful reversals and reach the finals in the Olympic Trials for the 1976 U. S. wrestling team.

The above reflect outstanding athletic accomplishments of the type the American public has come to expect from its cadre of elite athletes. However, a significant piece of information is missing from the four incidents described above; all of the athletes are handicapped.[1] The basketball player is confined to a wheelchair and is playing in the Wheelchair Basketball Championships. The quarter miler and high jumper are mentally retarded and competing in the Special Olympics. The hurdler is totally deaf, and the champion wrestler is blind, both participating against able-bodied athletes under the regular auspices of the United States Olympic Committee. These factors do not change the achievements, but they do alter one's perception of them. Attitude is affected the moment the words "disabled," "retarded" or handicapped" are mentioned, regardless of whether the athlete participates in activities held exclusively for the handicapped or in programs conducted primarily for able-bodied participants.

This attitude is generally one of ignorance, apathy, lack of awareness or antagonism. It comes not only from the public as a whole but from the handicapped community as well. Although most people will concede that athletics are an effective means for an individual to significantly improve the quality of his life, it is nevertheless extremely difficult for the handicapped to use athletics positively to affect their lives. However, it is not impossible. Programs do exist for those with various disabilities, in many sports and at all levels – rehabilitative, recreational and competitive. These activities serve as a means to provide the participants with a proven method for physical, mental, emotional, social, political and economic self-improvement.

[1] For the purposes of this Report, the term "handicapped" is used synonymously with the word "disabled" to mean physically and/or mentally handicapped (i.e., deaf, visually impaired, wheelchair confined, orthopedically disabled, and mentally retarded). No categorical classification or definition is intended.

Organizations

Currently in this country there are more than 30 organizations conducting athletic programs of some type for the physically and/or mentally handicapped. (See Volume II for description of the major organizations.) These groups sponsor activities ranging from local to national to international. However, the programs generally exist outside the mainstream of American athletics with limited support and minimal visibility. This state of affairs needs to be changed in order to provide equality of opportunity for all individuals according to their interests and abilities. To assist in the provision of this opportunity, sports programs for the handicapped must become a meaningful part of the total athletic environment, incorporating a variety of individual options for the disabled. Programs offering training and competition opportunities for the elite handicapped athlete (who represents his country just as the "able-bodied" athlete does) need to be provided, as well as activities which are more therapeutic in nature.

Although there are approximately 35 million handicapped individuals in this country and 450 million worldwide, there is currently no significant focus on the needs of this special group in any existing major domestic sports organization. The support of these organizations has not been actively withheld (for example, the United States Olympic Committee has allowed the Special Olympics, Inc. to use the world "Olympic"

to aid in fund raising efforts and increase visibility. The American Athletic Association for the Deaf (AAAD) is an affiliated member of the AAU and some AAU standing sport committees have sub-committees to deal with the concerns of the handicapped as well. However, the majority of support comes exclusively from those individual groups dealing with a specific handicapped condition. No concerted approach is presently in existence to effectively address and eliminate the assorted barriers to successful participation and development at any level for the handicapped in athletics. The problem is also reflected internationally, as several organizations, both foreign and domestic, sponsor competition among various countries (i.e., the U.S. based Special Olympics, Inc., National Wheelchair Athletic Association and the Comite International des Sports Silencieux.) Again, the effort is fragmented and outside the existing international sports structures.

The problems and needs of the handicapped in sports will look strangely familiar to anyone involved in athletics of any kind:

- Lack of funding,
- Lack of developmental programs,
- Lack of participation and competitive opportunities,
- Lack of properly trained coaches and officials,
- Lack of administrative assistance and expertise,
- Lack of communication and cooperation among currently existing organizations,
- Lack of access to and availability of facilities,
- Lack of rule adaptation and standardization where appropriate,
- Lack of proper incorporation into school/college/club sport programs,
- Lack of exposure and promotional efforts, and
- Lack of public awareness and acceptance.

Attitudes

The most critical obstacle of all is attitude. This attitudinal barrier is multi-dimensional as it involves not only the sensitivities of the general public toward the physically and mentally disabled, but also the perceptions of the handicapped toward themselves. Generally ignorant, unconcerned, or actively negative, the majority of citizens are individually and collectively unaware of the real needs and desires of the handicapped in sports. This public consciousness is likewise held and perpetuated by the media in its treatment, or lack of treatment, of athletic programs and events for the disabled. Further, many professionals involved in the field of sports and the needs of the handicapped (coaches, officials, physical educators, administrators, as well as doctors, lawyers, etc.) have similar prejudices which contribute to the overall unsupportive atmosphere which currently exists. While they originate in society at large, some of these notions are also found within the handicapped community itself. Taught by society for so many years and in so many ways that they are not able to take part in sports, a great number of those with mental or physical handicapping conditions continue to believe this fallacy. This creates a serious problem of negative self-image, lending credence to the notion that the handicapped cannot participate and, therefore, do not need opportunities to do. The problem feeds itself and change is difficult to effectuate. Ramifications of this attitude extend beyond the sports realm into all areas of society with frightening implications; but correction of this misconception has similar far-reaching possibilities as well.

The more specific problems and issues involved in athletics for the handicapped, as previously noted, are primarily associated with the inadequacies extant in developmental and participation opportunities. For example, too few coaches or administrators are ever made aware of the needs, abilities and desires of the handicapped in sports since it is easier to offer and conduct programs for the able-bodied athlete; further, there are relatively few training programs to provide instructors and officials with the skills needed to work with the disabled athlete even when the interest is present. Mechanical devices to help the handicapped person to participate are not being fully developed and/or made available (e.g., improved prosthetic construction and design, provision of rails for visually impaired bowlers, and the creation of various other special adaptive aids).

Organizational Problems

Lack of effective organization is a problem found in the area of athletics for the handicapped, which is common outside this special realm as well. With so many groups offering independent programs, communication and cooperation deficiencies often occur among the various organizations and, thus, resources are not utilized as effectively as they might be. While it is true that different types of disabilities have dissimilar kinds of specific needs which require individual treatment, the commonality of these groups' purposes indicates the desirability and

possibility of establishing working relationships both along and across lines of similar handicapping conditions and various sports. Of primary concern, however, should be the preservation of the individual groups' identities and philosophies. This is particularly important in the instances where the groups involved have very different goals and objectives. For example, Special Olympics, Inc. conducts therapeutic participation only for the mentally retarded (who may also be physically disabled). This organization does not seek to develop an elite level of athletes as such, since the highly skilled retarded competitors are encouraged to join regular sports programs. Thus, the turnover at the top is constant. Other groups concerned with the physically rather than the mentally handicapped, however, have as one of their primary aims the development of world class athletes and provide competition in accordance with this objective. Safeguarding these separate programs is of course desirable.

Another deficiency in this area of organizational problems, is that the handicapped athletes themselves are often not provided the opportunity to contribute meaningfully at the structural decision-making level. Additionally, full-time administrative expertise and assistance for the disabled groups' programs are needed in most cases. Few of these organizations have adequate staffs to conduct sports programs on the level on which they are desired. For example, the American Athletic Association for the Deaf and the National Wheelchair Athletic Association, have no paid staff members at all. The one exception to this situation is the Special Olympics, Inc., which has a paid staff of six to administer its year-round locally focused programs for the mentally retarded. National and international level programs for over 600,000 mentally retarded individuals of all ages are conducted by Special Olympics, Inc. in its many programs. However, it still only reaches 15-25% of the individuals in this country who need the activities. Abroad, the Special Olympics, Inc. is only reaching 1%.

Development Problems

Major, although not unique, problems exist in the kinds of activities offered, the number of programs available, and the levels at which the programs are conducted. Whether the programs are for rehabilitation, physical education or competition, there simply are not enough. Lack of opportunity at the grass roots level automatically limits the number and caliber at the elite level. And paucity of high-level competition decreases the incentive among developing athletes to strive for the top. Inadequate access to facilities further hinders participation.

Another problem is the lack of standardization of rules of eligibility and competition for disabled student-athletes. At least two surveys have been conducted recently of eligibility rules as applied to mentally retarded and other handicapped students. In general, students in special education classes recognized and certified by the appropriate state education agencies are eligible for athletic competition if they are making satisfactory progress in a suitable educational program. However, some states have eliminated all academic requirements in order to allow any bona fide student in a school system to participate in inter-school activities.

While some schools of special education do not belong to state high school athletic or activity associations, many others are members with the same rights and responsibilities as any other member school. Students at these schools may take part in all competitive activities sponsored by the state association as long as they fulfill other basic requirements in terms of age, residence and participation in sanctioned meets and competitions.

Additionally, rules governing certain sports contain provisions which have impact upon individuals with various handicapping conditions. For example, in football, individuals with certain types of prosthetic arms, hands or legs are generally precluded from participating. However, careful review and analysis of this rule indicates that this is not because of prosthetic devices *per se* but rather the material with which most of the devices are constructed. The prohibition is found in the section of the rules dealing with illegal equipment.[2] Since nothing harder than sole leather is permitted, most prosthetic devices as currently constructed are not legal on the basis of material from which they are made. It would seem certain that application of existing technology in the development of prosthetic devices made from legal materials, combined with a more enlightened attitude on the part of administration, will result in the elimination of this prohibition.

In wrestling, the decision as to whether an individual locks or touches in the standing position currently rests entirely with the sighted competitor. Consideration is being given to reversing this option so that the decision would rest with the blind or visually impaired wrestler rather than his sighted opponent.

In addition to specific provisions in sport rules, others advocate drastic changes to enable more individuals with specific handicapping condi-

[2] Rule 1-5, Article 3, *Official Football Rules* of the National Federation, National Association of Intercollegiate Athletics and Allied Groups, p. 9 of the 1975 Football Rulebook (National Alliance Edition).

tions to participate or compete with their able-bodied peers. For example in softball, some recommend permitting a blind or visually impaired individual to toss the ball up and hit it from his or her hand rather than requiring that all batters attempt to hit a pitched ball. On the other hand, some feel that if drastic changes in rules are necessary to permit a handicapped person to compete, especially at higher levels of competition, questions are raised as to whether that is an appropriate activity for integration.

While there is agreement that activities can be developed and made appropriate for mixed groups of individuals with and without physical and mental disabilities, there is debate as to whether it is beneficial to offer activities and opportunities which are totally integrated, completely separated or somewhere in between the two extremes. All options need to be kept open and the various possibilities explored for those involved to determine the appropriate forum for participation, development and competition.

In addition to enlisting the cooperation of the school and college communities, the resources of the military could also be tapped in various ways to assist in developing and conducting athletic programs for the disabled. Trained personnel, research and training facilities, equipment and so on, could be used in support of activities for the disabled.

Finally, as with almost all activities in athletics, there are not enough funds to design, implement and maintain all programs needed and desired. While, almost by definition, there can never be enough funds to do all one would like, this is a critical and continuing problem, since most of the participation barriers exist and are perpetuated by this lack of financial assistance.

Recommendations

As can be seen from the preceding discussion, the obstacles encountered by the over a half million handicapped or disabled American athletes are essentially the same as those faced by any other sports participant. The differences in the problems of the handicapped versus those of the able-bodied are differences only in degree and dissimilar only in the particulars of the individual situation. Essentially all are alike; only the perceptions provide a contrast. Therefore, consistent with the recommendations that the Commission has made in other specific areas of athletics, it does address the needs of this particular group. The intended corrective results are aimed at recognizing, supporting and assisting the disabled in sports:

- To establish a vehicle to ensure equality of opportunity in *all* aspects of athletics, for all handicapped or disabled individuals (i.e., participating, competing, coaching, training, administrating, etc.);
- To ensure that differences between existing groups concerned with sports for the handicapped are recognized and preserved where appropriate;
- To promote the coordination of programs within and across sports for the various handicapping conditions;
- To increase the public's awareness and sensitivity toward the needs and capabilities of the disabled; and
- To foster the incorporation of sports programs and opportunities for the various handicapped groups into the overall athletic environment in this country – domestically and internationally.

Two recently enacted pieces of federal legislation dealing with the handicapped[3] are supported by the Commission as they provide the force of law to efforts directed at assuring equal opportunities for the handicapped in recreation and sports. They have been designed to ensure a policy of non-discrimination and provision of equal programs in all appropriate aspects of participation for the handicapped in athletic programs. Although these laws have not yet been fully implemented, the Commission believes that their intent warrants support.[4]

Specifically, it is recommended that the following steps be considered to assure the mentally and/or physically handicapped individual the opportunity to participate and develop to the very best of his ability:

- The central sports organization (CSO) should encourage national governing bodies to incorporate provisions for handicapped groups sponsoring programs in their respective sports into their development programs and supply adequate resources for this effort. Membership of these groups ought to be sought by the NGBs. Additionally, NGB's should conduct a review of their competition and eligibility rules to allow for the inclusion of qualified handicapped athletes into the regular programs. Finally, handicapped athletes should be encouraged to

[3] The Education of All Handicapped Children Act provides that programs for handicapped children (including leisure and athletics) be provided by educational institutions receiving federal aid. Federal funding is authorized to assist in the creation of programs in this regard. Section 504 of the Rehabilitation Act of 1973 provides that no institution or organization receiving federal aid discriminate against the handicapped.

[4] See Chapter on "The Handicapped in Sports," Volume II, for further discussion.

meaningfully share in the governance of programs at all levels. This effective incorporation of policy and programs, where appropriate, is consistent with both the fundamental basis of the CSO organizational concept and the need for vertically structured NGBs.

– The CSO should create a standing committee to deal with the needs of the handicapped in sports, composed of representatives from organizations sponsoring athletic programs for the handicapped. The purpose of the committee should be to recommend to the Board sport-wide policy which defines the appropriate overall role of CSO with regard to the handicapped and to propose steps which NGBs and others should take to implement the recommended policy. This committee would act in the same non-regulatory capacity as other standing committees on the CSO – to set goals, to advise the CSO of needs in this area, to recommend programs and policies within and across all sports, and to provide suggestions for funding. Specifically, and of primary importance, would be its advocacy role in particular areas and in all sports; for example, lobbying to integrate programs where appropriate, to secure monies, to gain access to facilities, to assure provision of competitive opportunities at home and abroad, and to encourage exposure and promotion. Also, it would act as a "clearinghouse" for the handicapped, disseminating information on programs, opportunities for participation, public education, medical matters, etc.

– In the area of sports medicine, liaison should be maintained by the standing Committee on the Handicapped with another standing committee of CSO, the Sports Medicine Committee. The Sports Medicine Committee ought to be encouraged and directed to conduct research and development into various areas connected with the handicapped and sports (for example, the design and production of prosthetic devices and other aids designed to assist the physically and mentally handicapped in sports participation, the psychology of disabled in sports, muscular development, etc.). Dissemination of this medical information would also be an important task of this committee coordinated with the activities of the Committee on the Handicapped.

SPORTS MEDICINE

Traditionally, Americans take to sport in characteristic fashion, with total commitment and a degree of sobriety suggesting that there will be no tomorrow. But tomorrow arrives, sometimes accompanied by an injury when more than willing spirits have pushed less than prepared bodies beyond their limits.

Such injuries occur more than 17 million times a year, a compelling reason why sports medicine in the last two decades has become a major concern in the health care field. But those involved in both the research and clinical aspects of sports medicine are no longer just treatment-oriented. Medical research is now directed also toward assisting the athlete in conditioning, training, and competition. For example, it can now be determined with a fair degree of accuracy whether the muscle fiber of an individual is most conducive to his or her becoming a sprinter or long distance runner. Studies are now being conducted on human movement, nutrition, nerve and cell structure, and the relationship of desire to performance, and results of these studies seem to have limitless application to sport.

However, despite the best efforts of organizations and individuals involved in sports medicine, coaches and athletes are not always aware of these significant contributions to sport, both in terms of preventing or treating injury and as a means of improving athlete performance. Dr. Herbert DeVries, author of *Total Fitness* and noted professor of physical education, has stated, "Unfortunately, there is a great gap between the knowledge available and the performer and his coach putting it into practice. The scientist does not communicate well with the coach, and the average coach does not have the scientific background . . . to interpret the science to the athlete."

At present, for example, tremendous controversy surrounds the use of anabolic steroids[1] by athletes. A great deal of research is being done throughout the world to examine the impact of these drugs on performance. However, the studies are not well-controlled, results are not well-known, and the effects of these substances on the human body are not fully understood. Known side effects, according to one authority in sports medicine, include acne, decreased or increased sexual desire, fainting, lethargy, aggressive behavior, liver disease, gastrointestinal hemmorhage, and sterility. Others are increased blood fat levels, increased blood pressure, abnormal liver tests, and abnormal sugar tolerance tests. Almost all these side effects appear to be reversible, but there are no guarantees. Very little of this information is properly disseminated to the sports community.

Inadequate dissemination is not the only problem. In the past athletes have been unknowing or unwilling guinea pigs for research. In 1971, selected athletes on the U.S. Pan American Games Team were told by the U.S. Olympic Committee that a blood sample would be taken as part of a required physical exam. One athlete refused but was permitted to compete, proving that the rest had been deceived. Even when the athletes later discovered that the blood had been used in a private study, no mention was made of its result or its application to improvement in athletic performance.

In failing to recognize the importance of medical research to athletic programs, the U.S. lags behind other nations, such as Canada and East Germany, which have spent millions of dollars to coordinate their reference programs and research in human performance. These programs and some 28 others, national and international, have established centers to assure that the latest research breakthroughs reach all levels of sport administration and competition. In some cases, doctor, coach, and athlete have worked together to produce dramatic improvement in international athletic performance.

NATIONAL PROGRAMS

The Commission has found that the nation's ef-

[1] Anabolic steroids are produced in small amounts by the healthy body, and apparently function in some way to heal damaged tissue. Artificial steroids were originally produced to build up tissue in a person with a disease or injury—such as malnutrition, disseminated cancer or severe burns—which causes severe weight loss, lowering the body's ability to produce its own anabolic steroids.

forts in Sports Medicine are as fragmented and uncoordinated as the U. S. amateur sports system in general. While other nations have a central institution for sports medicine, the U. S. has several organizations which sponsor or underwrite research and development in this field:

- *The American Alliance of Health, Physical Education, and Recreation*, (AAHPER) provides information on the health care of athletes. AAHPER publishes booklets and other literature on nutrition, proper training procedures, etc. AAHPER is one of the few organizations disseminating this information to coaches and others directly involved in athletic programs.
- *The Amateur Athletic Union Sports Medical Committee* is composed of research specialists and clinicians who serve on a volunteer basis. These individuals are noted for their work in human performance research and reference services. The Committee is working toward an improved library reference system for sports medicine as well as toward better coordination of research and information through a central organization.
- *The American College of Sports Medicine*, (ACSM), founded in 1954, develops and disseminates information dealing with the effects of sports on health. Headquartered at the University of Wisconsin, ACSM is concerned with research in scientific fields of physical fitness. It publishes a newsletter, a journal entitled *Medicine and Science in Sports*, and the *Encyclopedia of Sport Sciences and Medicine*.
- *The American Medical Association's* (AMA) Committee on the Medical Aspects of Sports lists over 20,000 part-time and full-time physicians. The Committee acts as an advisor to the NCAA, the National Federation of State High School Associations, and the National Athletic Trainers Association. Publications are issued in an advisory and highly technical format. Orthopedic surgeons publish *American Journal of Sports Medicine* dealing with injuries and their treatment.
- *National Athletic Health Institute* (NAHI), was established to study the health and safety needs of athletes and to assist in the adoption of standards designed to protect the athlete from injury. NAHI conducts seminars for coaches, trainers, and team physicians. It attempts to bridge the gap between medical research on the one hand, and the coach, trainer, and athlete on the other.
- *The Olympic Sports Medicine Committee*, recently established by the USOC, when fully implemented will consist of two divisions. The first will be composed of representatives of the various disciplines involved in sports medicine, including physicians, dieticians, psychologists, pharmacologists, and so on. The second division will consist of regional representatives who will act as consultants to physicians, athletes, trainers, coaches, and others interested in applying the latest information and research breakthroughs associated with sports medicine.
- *President's Council on Physical Fitness and Sports* recently established a physical fitness and sports medicine survey service in conjunction with the National Library of Medicine to provide assistance for those ininterested in research.
- *Sports Safety and Health Care Society*, is a recently established organization designed to deal with the needs of the high school athlete. The Society publishes a newsletter containing articles on sports medicine, for medical and athletic professionals. The Society also conducts clinics and workshops.

Contributions from all these groups are essential and their potential for continuing achievement is unlimited. However, they often lack the resources and guidance to pierce the veil of apathy and ignorance in some areas of sport.

Other groups exist—including some national governing bodies and other sports organizations—which take part in sports medicine research or the application of findings. Included are various medical schools, as well as colleges and universities which sponsor research and training programs. Additional information is disseminated in publications such as *Physicians in Sports Medicine*, published by McGraw-Hill and available free to any doctor who requests it. Finally, some corporations have established programs in sports medicine and physical fitness, primarily for the benefit of their employees. Exxon, for example, has supported studies to examine various aspects of the mental and physical health and fitness of its workers. The company then used this data to create a program for employee physical fitness.

PROPOSALS

Instructive and important as each of these programs are, none provide a truly national forum for research, clinical application, information, and education in sports medicine. Some are intentionally limited in their scope or are regional in character. Others lack adequate funding to pursue their goals, or provide information too

technical for the coach, athlete, or trainer to understand. Most operate independently, seldom in coordination with other efforts.

There is clearly a need to bring together findings in related fields and to improve the manner in which this knowledge is applied to sport. Equally apparent is the need to develop U. S. sports medicine by taking advantage of the work of the approximately 30 sports medicine programs throughout the world, nearly all of which are much further along than are U. S. efforts in applying medical science to sport.

In short, what is needed is a national center for sports medicine, established as a permanent committee of the central sports organization. Specifically, the committee should:

- Promote research;
- Provide – through clinics, workshops, textbooks, and other literature – a continuing education program in sports medicine for physicians, coaches, trainers, and athletes; and
- Establish effective liaison with federal, state, and local government programs dealing with health and product safety.

These goals can be met in large part by coordinating extant organizations, which would play a dominant role in formulating committee policies. In addition, the committee could be authorized to designate existing medical facilities as regional sports medicine centers. These regional centers would conduct research designed to develop methods of improving athletic performance and would also provide effective care and treatment of injuries and disorders. One criterion for selection of a facility might be its proximity to the regional sports center discussed in the chapter "Development of World Class Athletes."

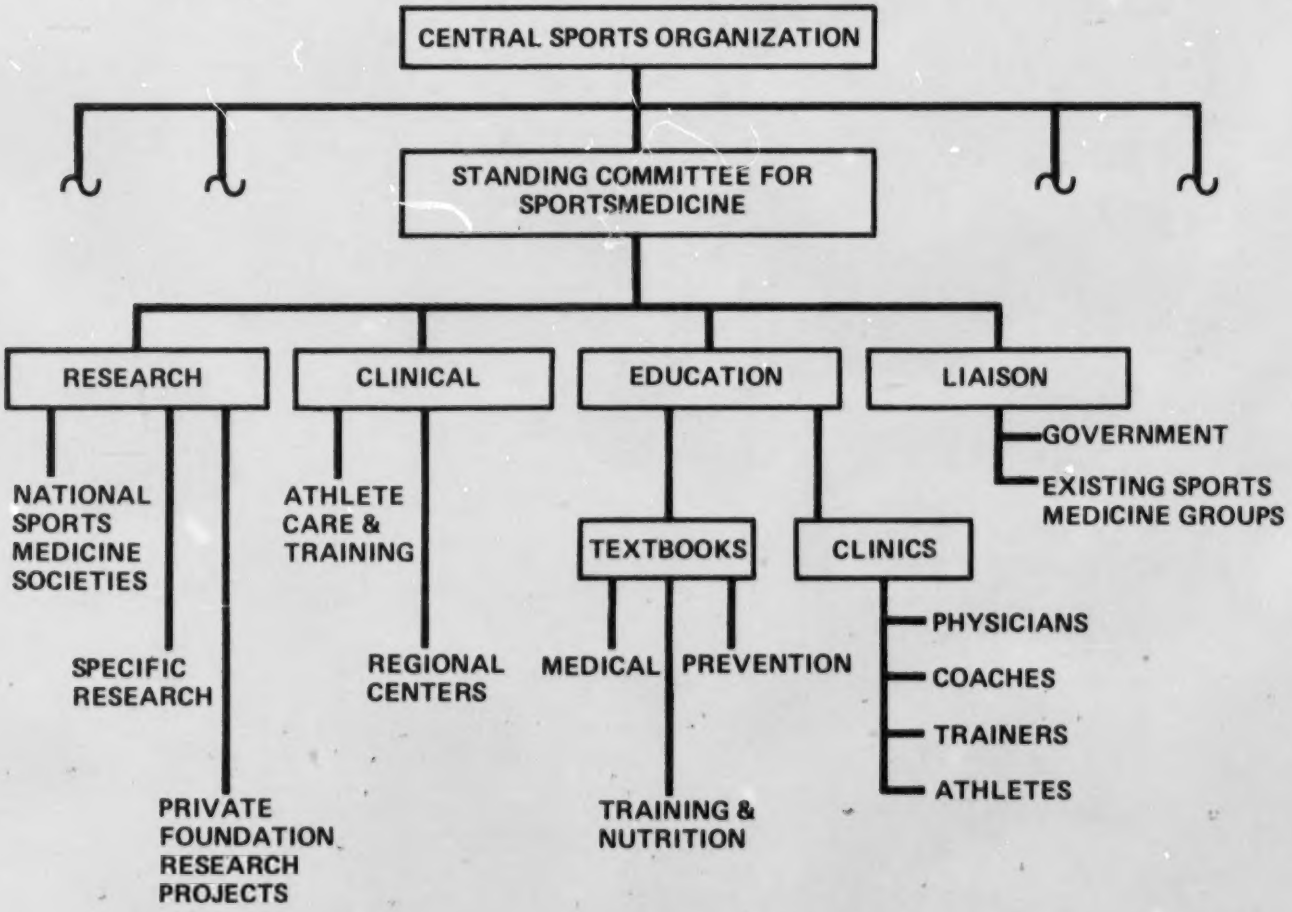
The organization chart on the next page illustrates this concept.

Committee members, drawn from both the medical profession and the athletic community, would be persons whose contributions to sports medicine were generally recognized and who would command the respect of doctor, coach, and athlete alike. Their primary responsibility would be to foster and encourage complete dissemination of information related to sports medicine – including sources of research funds – throughout the medical and athletic sectors. Through existing diplomatic channels the committee could also encourage an exchange of information among nations.

SUMMARY AND CONCLUSIONS

In the last two decades, sports medicine has become an area of major importance in the health care field. Yet, research breakthroughs often go unnoticed for lack of a coordinated effort to apply lessons of the laboratories to achievement on the field. Access to, and guided application of, this information could improve athletic performance immeasurably at all skill levels. The Commission believes that a permanent national committee for sports medicine would be a catalyst, bringing together researchers, physicians, trainers, coaches, and athletes – a practice followed for years in other nations but never fully developed in the U. S.

Certainly, a nation which prides itself on its achievement in medical research can afford to devote a portion of its energies toward assuring that its athletes – whether Olympic or playground – receive the full benefits of such research. This goal can be met at minimum expense and with maximum effectiveness by implementing the recommendations outlined above.


CENTRAL SPORTS ORGANIZATION
STANDING COMMITTEE FOR SPORTSMEDICINE
RESEARCH
CLINICAL
EDUCATION
LIAISON
GOVERNMENT
EXISTING SPORTS MEDICINE GROUPS
NATIONAL SPORTS MEDICINE SOCIETIES
SPECIFIC RESEARCH
PRIVATE FOUNDATION RESEARCH PROJECTS
ATHLETE CARE & TRAINING
REGIONAL CENTERS
TEXTBOOKS
MEDICAL
PREVENTION
TRAINING & NUTRITION
CLINICS
PHYSICIANS
COACHES
TRAINERS
ATHLETES

IMPLEMENTATION

The President's Commission on Olympic Sports (PCOS) has arrived at recommendations on the role and structure of national governing bodies, the need to create a Bill of Rights for athletes, and the necessity for creating an autonomous, centralized organization to serve and be representative of amateur sports in the United States. It now directs its attention to implementation. During its study, the Commission reviewed a brief history of previous Presidential Advisory Commissions which provided background for preparation of this chapter.*

Athough the impact of many Presidential study commissions has been substantial on a variety of national issues and problems, they are not the infallible "armed prophets" described by Machiavelli in *The Prince.* For one thing, advisory commissions do not survive beyond the date on which they submit their reports, except for a brief "wind-down" period. For another, they are nearly always established to *study* a problem, on behalf of a President who wants to take action but is not convinced how best to proceed. Therefore, whether or not recommendations proposed by a commission are implemented is nearly always a decision made by others.

Nevertheless, commissions often act as a catalyst for action. Their ideas, concepts, and conclusions set the structure for debate for those who must consider and act on their findings. Also, through an advisory commission, the harsh light of public attention and pressure can focus on an issue or problem, often leading to needed and meaningful change prior to submission of the final report.

The Commission believes that the experience it has had in dealing with the problems discussed in this report could serve as a basis for beginning the implementation process. Also, the suggestions offered in this chapter reflect the concern of each Commissioner that without implementation of these proposals, it is not only the work of the Commission which will have been lost. Failure to give the recommendations due consideration would constitute a gross injustice to the hundreds and thousands of Americans who compete, coach, and otherwise take part in national programs of athletic endeavor.

This chapter, then, is intended to serve as a guide for those who will take up the task of implementation. It is divided into four elements, discussing the role which the Office of the President, the Executive Branch, Congress, and the public sector play in helping assure adoption of the recommendations in this report.

The Office of the President

During its tenure, the PCOS kept the President abreast of its activities and often acted in his behalf at various speaking engagements. Since 1976 was an Olympic year, the Commission also served as a valuable liaison between the amateur sports world and the government. The President's interest in this regard was highlighted by his recognition of the performances of the U. S. athletes at the Innsbruck and Montreal Games.

The Commission believes that a permanent agent within the White House should be designated to continue as a point of contact between amateur athletics and government during the implementation process. The Domestic Council served this purpose admirably and the PCOS recommends that the Council, or its successor in the new administration, continue as agent for the President in his relationship with amateur sports organizations and other interested groups. In a similar manner, the President's Council on Physical Fitness and Sports might also be employed as an "in-house" expert in areas of amateur athletics, and to serve as a point of liaison between the Central Sports Organization and elements of the federal government.

In addition, the Commission suggests that the permanent agent assure the implementation—given Presidential endorsement—of those recommendations affecting the government but not requiring legislation. Finally, the permanent

*The Commission gratefully acknowledges the assistance of Thomas R. Wolanin, PH.D., author of *Presidental Advisory Commissions* (The University of Wisconsin Press, 1975).

agent would be a logical resource for members of Congress interested in learning more about the recommendations outlined in this report, particularly as legislation including such recommendations is considered.

The Executive Branch

The permanent agent in the Office of the President will be vitally important in assuring coordination of government efforts to implement the recommendations of this report. However, specific plans for implementation should be left to the affected departments and agencies of the Executive Branch. Briefly, departments and agencies affected by the recommendations of this report include:

- Department of Defense (military sports programs and facilities),
- Department of State (international sports programs, cultural exchanges),
- Department of Treasury (finance, coin programs),
- Department of Interior (facilities construction),
- Department of Labor (employment of athletes, broken-time payments),
- Department of Commerce (encouraging support of industry, EDA programs for construction of facilities),
- Department of Health, Education, and Welfare (development of school programs, sports medicine grants), and
- Civil Service Commission (broken-time payments for government workers).

The Commission suggests that each department or agency affected appoint a task force to determine:

- The effect, if adopted, of each recommendation in the report;
- Whether to recommend implementation of a pertinent recommendation;
- Whether an Executive Order or an intradepartmental directive is necessary for implementation;
- Whether testimony to appropriate Congressional committees regarding recommendations should be prepared; and
- Whether to propose or prepare departmental or agency interpretations.

Private Sector

The widespread popularity of sport in American culture would lead one to expect a high degree of interest from the private sector in the implementation process. Much of the financing for sports development has been generated by the American public, from the millions donated by large corporations to the small amounts contributed to the U. S. Olympic effort by individual citizens. For them, and for current and potential competitors, this report will be of great importance.

The Commission is confident that the individuals and groups responsible for the administration of amateur sports programs will be deeply involved in the Government's implementation of the Commission's recommendations. However, the PCOS believes it is important that a panel be formed of concerned but disinterested citizens to promote public involvement in actions requiring governmental approval, and also in those involving such elements of the private sector as the business community. Such a panel would assure that the views of interested persons not represented by any U. S. sports organizations are given consideration at all levels of public and private life. In addition, this panel could put Congress and other policy makers on notice that these matters are of concern to significant numbers of Americans whose only involvement in sport is as spectators and supporters.

Congress

It goes without saying that the role of Congress will be crucial. The creation of a central sports organization (CSO), a Bill of Rights for athletes, a mechanism for resolving the grievances of individuals and organizations, and other recommendations will require Congressional approval.

In addition, appropriate Congressional committees could, in the course of their normal oversight function, assist in implementing those recommendations not requiring legislation. Indications of interest by appropriate committees and members of Congress can be useful in avoiding technical obstacles which could arise. Congressional involvement would also be useful in promoting cooperation between the government bureaucracy and private groups affected by government action in this area.

Specifically, the recommendations[2] which the Commission believes require legislation include:

- Criteria for being an NGB in a given sport;
- Resolution of franchise disputes;
- Athletes' rights;

[2] Each of these topics is addressed in some depth in various chapters of this volume.

– Creation of a CSO;

– Various financial proposals; and

– Possible changes in public laws governing various federal agencies.

In preparing legislation, the PCOS suggests that Congress give first priority to provisions relating to resolution of franchise disputes in order to foster harmony and an atmosphere of cooperation in the amateur sports community. It should be noted, however, that the Commission is not recommending that legislation embodying other proposals in this report be delayed until after adoption of the Franchise Disputes Bill. Indeed, expeditious approval of all the recommendations would be ideal. Nevertheless, the PCOS considers this recommendation to be fundamental to beginning meaningful reform in amateur sports, and is, accordingly, suggesting that it be given early Congressional approval.

CREATION OF THE CSO

Once Congress has acted on legislation authorizing the creation of the CSO, it will be necessary to ensure the smooth transition of authority from the USOC as presently established to the new structure that will have been established by Congressional amendment to existing law. The Commission believes the best way to initiate this process is in the following fashion (provision for which could be made in the legislation creating a CSO):

– Immediately following enactment of the law creating the CSO, the President and Congress would appoint from the private sector a seven-member Transition Committee to coordinate the transition process. The President would be responsible for designating the chairman of the committee, as well as two additional members. Two members each would be named by the Speaker of the House of Representatives and the President of the Senate. No criteria ought to be established by the law regarding appointment of committee members, except that they should be drawn from private life, should not be full or part-time employees of any amateur sports organizations, and should be generally recognized as having knowledge of the Commission's work and of the problems, issues, and recommendations discussed in this report. At least one member of the Committee would be a currently competing, world class athlete. Appropriate funds should be authorized by Congress for the provision of administrative services.

– Once its membership has been selected, the Committee would begin work with the U. S. Olympic Committee and other interested individuals and organizations to prepare a draft constitution and bylaws of the CSO. The Committee would also assist these organizations in the creation of standing committees; establishment of the number and qualifications of staff necessary for the efficient operation of the CSO; the amounts of salaries, per diem, and CSO Board member allowances; and other related matters. During its tenure, the Committee should be prepared to brief members of Congress, as well as the President and his staff, on the progress of its work.

– No later than one year after designation of its membership, the Committee would convene the first CSO Convention, during which delegates would be asked to approve the draft constitution and bylaws, amending them if necessary, as well as act on any other recommendations offered by the Committee. In addition, the Convention would also elect the first Board of Directors (BOD) of the CSO. (N.B. The Commission recommends that no member of the Committee serve on the first BOD).

– Within three months after the first Convention, the Committee would submit a report to Congress and the President outlining its work and reviewing results of the first Convention. Thereafter, the CSO would fulfill any reporting requirements, and the Committee would cease to exist.

The Commission emphasizes that the function of the Transition Committee should be to advise, assist, and otherwise motivate existing sports organizations to participate in the creation of the CSO. In so doing, however, the Committee should not be considered a regulatory organization, nor should it attempt to impose the will of the President or Congress on those organizations which will create the CSO.

CONCLUSIONS

As stated, the President's Commission on Olympic Sports assumes no pride of authorship in submitting its recommendations for implementation. It is quite possible that better minds can devise better plans. It is also possible that the recommendations will take care of themselves, that they will be supported by all concerned, and that they will require no extraordinary effort to implement. The Commission suspects, however, that the case might be quite different, that the excuses for defeating or simply ignoring the proposals might outweigh the reasons for adopting them. Therefore, the foregoing is offered as a place to start the long implementation process.

E. APPENDICES

DRAFT LEGISLATION— FRANCHISE DISPUTES

Public Law 805 (USOC Charter) should be amended by adding the following sections:

Section 1. Any national amateur sports organization may seek recognition as a national governing body for a particular Olympic sport (and also recognition as the Group A member of the Corporation for that same sport) by filing such a request for recognition with the Board of Directors of the Corporation within one year after the termination of the Summer Olympic Games. The Board of Directors shall make a determination concerning the request within thirty (30) days from the date of filing.

Section 2. After such a determination by the Board of Directors, any national amateur sports organization which considers itself aggrieved by such determination, may submit a demand for arbitration to any regional office of the American Arbitration Association. The Association shall serve notice on the parties to the arbitration and on the Corporation, and shall immediately proceed with arbitration according to the commercial rules of the association; except that (1) the arbitration panel shall consist of not less than three arbiters, unless the parties to the proceeding mutually agree to a lesser number, (2) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding mutually agree to another site, (3) the arbitration hearing shall occur within sixty (60) days after the submission of the demand for arbitration, unless the parties to the proceeding mutually agree to a later date, and (4) the arbitration hearing shall be open to the public.

Section 3. The arbiters are empowered to settle disputes arising under the provisions of this Amendment prior to the making of a final award if mutually agreed to by the parties to the proceeding.

Section 4. Except as modified in Section 5, the party submitting a demand for arbitration shall receive the arbitration award if it establishes by a preponderance of the evidence that it more completely meets the following criteria in comparison with the other party to the arbitration hearing. A national amateur sports organization:

(a) Should open its membership, directly or by affiliation, on an equal basis to all individuals who are amateur athletes, coaches, trainers, officials, and administrators in the sport concerned, and/or to amateur athletic organizations active in the sport.

(b) Should not have more than 20% of its voting power controlled or subject to control, directly or indirectly, by an organization or individual which holds or controls, directly or indirectly, more than 20% of the voting power in any other organization currently functioning as a national governing body.

(c) Should be incorporated under the laws of any State or the District of Columbia, except in those instances where a corporation is the national governing body for a single Olympic sport and has objectives in that sport in addition to international Olympic competition, then the committee or other entity within the corporation which governs that Olympic sport, should not be required to incorporate but should adhere to all the other criteria enumerated herein.

(d) Should be governed by a board whose members are selected without regard to race, creed, color, religion, or sex.

(e) Should have as voting members at all times on its board of directors, executive committee or other governing body no fewer than two individuals who are presently or were formerly active amateur athletes in the United States in the sport concerned. These representatives must be elected by active amateur athletes who are representative of the full range of athlete interests in that sport. The voting power held by these representatives will not be less than 20% of the total voting power held in that board, committee or other governing body.

(f) Should make provision for a reasonable proportion of direct or indirect representation—on its board of directors, executive committee or other governing body—of constituent groups of individuals or of national amateur athletic organizations which conduct regular national competition in the sport, provided that 1) the proportion of representation is consistent with subsection (b) of this section and 2) the national competition offered by such an organization is at a level of proficiency appropriate to the selection of athletes to represent the United States in international competition.

(g) Should not have as an officer any individual who is also an officer of any other national governing body.

(h) Should expressly limit to a reasonable period the terms of office for its officers and members of its board of directors, executive committee, or other governing body, with cumulative service not to exceed ten years total.

(i) Should provide equal opportunity for competition to all individuals eligible under applicable international amateur athletic rules and regulations, and apply these rules concerning eligibility and competition without discrimination to all athletes.

(j) Should not, during its tenure as a national governing body, deny a request made by a sports organization or other person for its sanction for an unrestricted competition unless it reasonably determines that:

(1) appropriate steps have not been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic events;

(2) appropriate provision has not been made for validation of records which may be established during the competition;

(3) due regard has not been given to any international amateur athletic requirements specifically applicable to the competition;

(4) the competition will not be conducted by qualified officials;

(5) proper medical supervision will not be provided for athletes who will compete;

(6) the sports organization or other person conducting the competition refuses to submit an audited or notarized financial report of the most recent, similar event, if any, conducted by the organization; or

(7) it demonstrates by clear and convincing evidence that holding the competition would be detrimental to the best interests of the sport.

(k) Should not deny any eligible amateur athletes the right to compete in any unrestricted competition conducted under its auspices or that of any other sports organization, or in unrestricted competition sanctioned by another national governing body, unless it can be established that the denial was based on evidence that the person or organization conducting the competition did not meet the requirements stated in subsection (j) of this section.

(l) Should provide or be capable of providing, directly or indirectly, the most effective competitive program of all organizations seeking recognition as a sport's national governing body (considering such factors as varying levels of ability, age and sex).

(m) Should undertake to develop interest and participation throughout the United States in the sport it seeks to govern and should be responsible to the individuals and organizations it represents.

(n) Should keep amateur athletes under its jurisdiction informed of policy matters being considered by the organization, and should reasonably reflect the views of these athletes in its policies.

(o) Should establish that it is able—financially and managerially—to perform the functions of the U. S. representative to the international amateur sports federation recognized by the International Olympic Committee for the sport or sports concerned.

Section 5. The arbiters, in their discretion, may make a provisional arbitration award if all of the following conditions exist:

(a) one of the parties to the arbitration hearing, when measured against the criteria described in Section 4 (a) through (o), was superior to the other(s),

(b) the superior party was deficient in a particular and specific area, and

(c) the superior party's deficiency, in the opinion of the arbiters, could be cured in a reasonable time, not to exceed sixty (60) days.

Section 6. In the event of a provisional award by the arbiters, the Corporation shall determine whether the deficiency has been cured within the allotted time. If the deficiency is not cured within the allotted time, the losing party at the initial arbitration hearing may submit a request for a second arbitration hearing, which shall proceed without the possibility of

a provisional award being rendered.

Section 7. Any party to a final arbitration award decision may bring suit in a United States district court having jurisdiction over any party to such arbitration hearing for review of the final award decision within a period of sixty (60) days after such decision; except that the court may only modify or set aside the decision if it was procured by fraud, if it was clearly erroneous, or if the subject matter for the arbitration hearing was not included within the provisions of this Amendment. Any national amateur sports organization which submits a demand for arbitration under the provisions of this Amendment may bring suit in such court to compel arbitration pursuant to the provisions of this Amendment, and the arbiters may petition such court to enforce compliance with a subpoena issued by the arbiters pursuant to the rules of the American Arbitration Association.

Section 8. If a final arbitration award decision upholds the claim of a national amateur sports organization seeking recognition as a national governing body, the Corporation shall, within sixty (60) days of the decision becoming final:

(a) accept the national amateur sports organization as the Group A member of the Corporation for the sport concerned, and

(b) use its best efforts to obtain recognition of the national amateur sports organization by the appropriate International Sport Federation, including:

(1) notifying such international federation of the Corporation's decision to replace the incumbent national governing body with the recipient of the final arbitration award,

(2) introducing the recipient of the final arbitration award to such international federation as the new Group A member of the Corporation for the sport concerned, and

(3) recommending and urging the final arbitration award recipient's acceptance by such international federation as its member in the United States for the sport in question.

Section 9. During the second and third years after the termination of the Summer Olympic Games, any national amateur sports organization may seek recognition as a national governing body for a particular Olympic sport (and also recognition as the Group A member of the Corporation for that same sport) by following the procedure described in Sections One through Eight of this Amendment. However, prior to the holding of an arbitration hearing described in Section Four of this Amendment, the national amateur sports organization submitting a demand for arbitration would be required to establish to the arbiters by a preponderance of the evidence that the situation in the sport concerned had changed materially from the one-year period immediately following the Summer Olympic Games.

DRAFT LEGISLATION
ATHLETES' RIGHTS

I. *New Substantive Legislation*—"An Act to Protect An Athlete's Right to Participate in Unrestricted Competition."

Section 1. As used in this Act,

a. "international competition" means any organized amateur athletic competition in which individuals or teams, all of whom officially represent the United States as determined by a national governing body, compete against individuals or teams of any other nation, all of whom officially represent such other nation as determined by the appropriate sports governing body of such nation;

b. "restricted competition" means amateur athletic competition which is restricted to a specific class of amateur athletes, including, but not limited to, high school athletes, collegiate athletes, and members of the Armed Forces, or any other such group or category;

c. "unrestricted competition" means any international amateur athletic competition or any domestic amateur athletic competition directly related to qualifying amateur athletes for international competition, including, but not limited to, national championships or Olympic Trials, in which all eligible amateur athletes may participate. The term does not include restricted competition.

d. "Olympic or Pan American sport" means a category of amateur athletic competition which is presently a part of the program at the Olympic or Pan American Games, and such other categories as may subsequently be included in such programs.

Section 2. No national governing body, sports organization, or institution may deny or threaten to deny any eligible amateur athlete the opportunity to compete in any unrestricted competition in an Olympic or Pan American sport, nor may it censure, subsequent to such competition, or otherwise penalize, any such athlete who participates in such competition, except that a national governing body may so deny, threaten to deny, censure or otherwise penalize, if it reasonably determines that:

a. appropriate steps have not been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic events;

b. appropriate provision has not been made for validation of records which may be established during the competition;

c. due regard has not been given to any international amateur athletic requirements specifically applicable to the competition;

d. the competition will not be conducted by qualified officials;

e. proper medical supervision will not be provided for athletes who will compete;

f. the sports organization or other person conducting the competition refuses to submit an audited or notarized financial report of the most recent, similar event, if any, conducted by the organization; or

g. it demonstrates by clear and convincing evidence that holding the competition would be detrimental to the best interests of the sport.

Section 3. In addition to the above, a university, high school or other educational institution may deny or threaten to deny any amateur athlete in attendance at such institution the opportunity to compete in any unrestricted competition in an Olympic or Pan American sport and it may censure, subsequent to such competition, or otherwise penalize, any such athlete who participates in such competition, if such denial, censure or penalty is based upon reasonable rules and regulations designed (1) to promote the educational welfare of amateur athletes who are students at such institution or, (2) to maintain and protect established sports programs during the regular season of each particular sport at such institution.

Section 4. Whenever any person is engaged, or there are reasonable grounds to believe that

such person is about to engage, in any act in violation of this Act, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate order, may be instituted by any amateur athlete claiming to be aggrieved, or, on behalf of such athlete, by the U. S. Olympic Committee, or any national governing body or sports organization of which he, his coach, or his institution is a member or with which they are affiliated.

Section 5. The district courts of the United States shall have concurrent jurisdiction with State courts for actions brought under this Act. Such actions may be commenced in the district court of the United States for any judicial district in which the violation is alleged to have occurred or to have been threatened, or in which any defendant is found, resides, or transacts business.

Section 6. In any action commenced pursuant to this Act, the court, in its discretion may allow the prevailing party a reasonable attorney's fee as part of the costs.

Section 7. Upon mutual agreement of the parties, actions for relief under the provisions of this Act may be submitted to any regional office of the American Arbitration Association.

a. The American Arbitration Association is authorized, upon 48 hour notice to the parties, to hear and decide a matter under such procedures as the Association deems appropriate if the Association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties.

b. Any person whose claim is upheld by an arbitration decision under this Section may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence, any party to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision; except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the provisions of this Act. The arbiters of an arbitration under this Section may petition such court to enforce compliance with a subpoena issued by the arbiters pursuant to the rules of the American Arbitration Association.

c. A majority of the arbiters may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration.

II. Proposed Amendment to P.L. 805 (the United States Olympic Committee Charter)

Any Group A member of the United States Olympic Committee agrees, as a condition of Group A membership, to submit, upon demand, such cases brought under "An Act to Protect an Athlete's Right to Participate in Unrestricted Competition" to the American Arbitration Association for binding arbitration.

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